

1894-079  
Lee Co.

Chancery Causes: Benjamin F. Sneed & vs. Jeff Pennington &

Folder 1012

Sprinkle, Bolin, Henderson, Garrett, Crocket, Roop, Bowlin, Baumgardner,  
Osborn, Woliver, Newberry, Graham, Lanningham, West, Blankenship,  
Fleenor, Spurrier, Harris, Poteet, Stewart, Miles, Bolen, Osborne,  
Martin, Byington, Lanningham, Henderson

2 Plats

CA - Other

T - Government  
Transportation

- Correspondence

Additional Information:

Attempt to stop  
road construction



\* John Lumsden Barry H. B. G. Graham Frank Lumsden  
Peter West Samuel H. B. George W. Blandenship Elsie H.  
Sprinkle Joseph D. Kleener, Solomon Spruier Joseph Harris  
Cowan Kleener Daniel Baymyer James W. Catlett Elkanah Stewart  
Wm S. Wadsworth all roads over and over

To the Hon. H. D. K. Morrison  
Judge of the Circuit Court  
of Lee County Virginia  
Your Orators Benj. H. Innes  
R. B. Sprinkle Harvey Sprinkle  
S. H. Bowlin Samuel Henderson  
John Innes M. V. Garrett, M. H.  
Crockett, L. C. Roop, J. W. Bolen  
Silas Baumgardner, James  
Baumgardner, Job. Osborne  
James Osborne and Isaac Hol-  
iver <sup>and Overseers</sup> all Citizens tax payers  
and road hands in said  
County. Who Humbly Com-  
plaining, would respectfully  
represent, That the County  
Court of Lee County on its  
own motion in 1889, made  
an order to survey and view  
a new road from Jonesville  
in said County to the nearest  
depot on the L. & R. R. near  
E. M. Permynter's store. At  
the time of making said order  
there was no depot on said  
rail road in that vicinity but  
it was supposed there would be  
one near the point designated.  
Subsequent orders and sur-  
veys were made by said  
Court, to a point now  
known as Occoneta or Cranks



Some  $3\frac{1}{2}$  miles west from E. M. Pennington's store.

Recently the Court appointed Commissioners to ascertain the cost of Construction and right of way and ascertained the same to be \$1200. for Construction and \$585.<sup>00</sup> for right of way.

These items of expenditure were submitted to the board of Supervisors of the County under Sec. 956. of the Code 1887.

Said Board on the day of Oct-1893, met in a called meeting, to consider the matter and there were present four out of the five, two voted for and two against the appropriation of the item of \$585.<sup>00</sup> and all voted against the \$1200.<sup>00</sup> item.

When the vote was taken it was not recorded or the vote taken by a recorded vote, the board adjourned and went away when after several days, the Clerk thereof wrote out a paper, and certified that the vote was taken by a recorded vote, and subsequent thereto the Clerk entered this paper by copying the same in the order book of the board of Supervisors. The Commonwealth was not



Sec. 836

present at this meeting, nor had  
he any notice of it. Whatever

They allege that said vote was  
not by a recorded vote, and that  
the Atty for the Commonwealth  
was not present. And they are  
advised that these facts render the  
action of said Board illegal &  
null & void.

By the act of assembly 1891, 1892  
P. 883. Sect. 21 that by law the  
road board of the magisterial  
district alone has power to  
alter or change an old or  
existing road. While the County  
Court has jurisdiction over new  
roads.

Your orators allege that at the  
time of making said order  
recorder and surveys and for many  
years prior thereto, and now there  
is a road from Jonesville to  
Ocooneta, and that the order  
in said Cause establishes  $2\frac{1}{4}$  miles  
of this old road on the south end  
and  $\frac{1}{2}$  mile on the north end as  
and for this so called new road  
so that they allege the change is  
only an alteration in an old or  
existing road and is not a  
new road; and they are ad-  
vised the County Court has no juris-  
diction over the same.



various proceedings have been had, including one appeal to the Circuit Court, on that appeal, the action of the County Court was reversed, and the order made therein ordering the work to proceed and assigning hands to open the same was annulled and set aside. This order was entered late on Saturday evening in the closing moments of the Circuit Court. On Monday following County Court met, and this Road matter was placed upon the Court docket and called and determined in advance of all other matters although there were several felony cases on the docket. On the appeal the bill of exceptions recited that Jeff Permington and others were the applicants, and the Bill was signed that way, on the first day of Court about alluded to the Court struck out Permington name and entered in the order that it was upon the motion of the Court alone. During all this time, the application for opening the road was resisted and Counsel appeared for the road as well as against it, and when the Court assumed



the responsibility, your orators requested the Court to require Counsel to disclose their Client or else desist from opposition, but - no exception was taken to this -

Your orators made several motions in the Cause later on the term and they being overruled took Bills of exception all of which more fully appears by said record a copy of which will in due time be filed if required.

On the overruling of said motions your orators by Counsel offered to execute bond and asked a suspension of the order hereinafter mentioned but the Court refused to take such bond or suspend - They then took an appeal of right, as they are advised they by Law could do, and again offered to execute bond on which they are advised said appeal would operate as a supersedeas, but the Court refused to fix any penalty for said bond or suspend its orders, or recognize said appeal as a suspension -

The order referred to above and first made in said Cause directed the work to proceed on the order of the Board of



# Elizabeth Sprinkle Joseph D. Hauer  
Solomon D. Hauer Joseph Harris Perren  
Hauer Daniel By Hauer James W. Pabst  
Colman H. Stewart W. S. Martin

of Supervisors, and appointed C. C. Blankenship, M. C. Miley and Jeff. Pennington, Superintendents, to open said road, and assigned to them several overseers of road and their list of hand- your craters L. C. Looch and S. K. Bowlin <sup>John Huestonberry N. S. Grapage Frankhammeapland Peter West</sup> are two of such overseers, and your craters are mostly their hand and are embraced to do said labor.

No rule or order proceeding over issued against them, but order was made absolute, and some of them on hearing of it appeared and offered to appeal from said order but was resisted as aforesaid.

Your orators are advised that as said application was made and the order entered on the motion of the Court, and the motion for said road pressed by Counsel who refused to disclose their client, the inference is that they represented the views of the Court and that no matter what power the Court may have on its own motion to make surveys and order reports, when the matter become a litigated question the Court can no longer act to try it on motion and its acts are in law void.

They are advised that the Constitution



of this state and of the United States  
forbid that a man shall be con-  
demned or fined until he has a day  
in Court, and that the law if there  
be such an one, allowing a court  
to require of them five days work  
without an opportunity to be heard  
in Court, such a law is against  
the letter & spirit of the Constitution  
and is void.

Your orators would further state  
that anticipating that they would be  
required to work the five days  
before they could get a subpoena-  
deas, heretofore applied to your  
Honor for an injunction, and obtained  
an opinion in writing from your  
Honor, which accompanies this bill  
and that they presented to the County  
Court before the order the past  
term had been finally signed  
and again offered to give any  
bond required and prefer their ap-  
peal as a matter of right un-  
der the written opinion aforesaid.

But the Judge of the Court refused to  
fix a penalty, suspended said order  
to have anything further to do with  
it.

The said Superintendent here  
upon moved the hands and the overseers  
and all to begin work Tuesday



Dec. 5<sup>th</sup>, and your craters again  
allege that this refusal to grant them  
the ordinary suspension or appeal  
whether so intended or not, has the  
effect to force them to do this work  
now at a most inclement season  
before they can by law release  
themselves - They are advised that  
they have no adequate remedy at  
law which they said County Court  
will respect and unless your Honor  
shall interfere by way of injunction  
even your craters and many others  
who would join in this application  
were they present, will have to  
work the fine days so put upon  
them without the lawful establish-  
ment of said road or its proper  
assigning of your craters thereto -

They are not advised of any other  
remedy than the one suggested by the  
written opinion before alluded to  
and owing to the fact that the County  
Court refuses to take bond so they  
can perfect their appeal, that  
failure to stop said work, which  
when done will render their  
appeal of no avail -

The object of this bill there-  
fore is to have said Superintendent  
out of office and inhibited until  
the future order of this Court







1894 pt. 1 Jan'y Rules Bill  
 filed Spa 2d 1894  
 2d Jan'y Rules Bill  
 Cause set for hearing  
 by plffs

Plffs recover  
 C 7.21  
 S 1.50  
 A 15.00  
 Co C 25  
 \$ 3.96

Buy. Ined Val

Bill Chf

G. off. Remington & Co

Instruction granted pursuant  
 to the map of the bill  
 informing the defendants  
 to proceed to work on  
 work the plaintiffs upon  
 the proposed road until the  
 future order of the court  
 But this instruction will  
 only become operative  
 upon the plffs or some  
 one for them at a meeting  
 before the clerk of the  
 court held with approval  
 recently in the penalty of  
 \$1000.00 could be made as the  
 law directs. H. H. Morrison  
 To the clerk of  
 the circuit court  
 of the county

1894 1st Jan'y Rules  
 Bill filed Spa  
 Exd. & O. W. S. i  
 " 2nd Jan'y Rules court  
 " 1st drafts filed  
 " Cause docketed







1 remedy of any proper person is at Law  
2 by Writ of Prohibition

3  
4 4th. If the County Court improperly refused to  
5 grant a suspending order, or to fix the penalty  
6 of a bond, or to do any thing else that said  
7 Court should have done, the remedy of  
8 the complainants was at law by application  
9 for a writ of Mandamus, ~~or Supplicatio~~. See 3 A.  
10 313; 11 A. 292

11 5th. Because complainants' bill is not sworn  
12 to as is required by Code 1887, Sec. 3440 and  
13 because no copy of the road proceedings is filed with the bill.

14 6th. Because it appears that complainants were  
15 not parties to the road <sup>proceeding</sup> ~~proceedings~~ and persons  
16 in interest before <sup>or at the time</sup> the road was established  
17 or at any other time, and can not now  
18 come in and make themselves parties to a proceeding  
19 collateral to the establishment <sup>and set aside the order establishing the same.</sup> of said road. See  
20 1 HVM 403, 5; 20 A 484-4519; 77 V 678; 78 V 730;

21 7th. The complainants either had or now have their  
22 remedy at Law and the bill shows on its face that the  
23 road <sup>is a new one.</sup>  
24 But, should any further answer be necessary,  
25 answering, say, that it is true that they were appointed  
26 Superintendents to open and make the roads named;  
27 that the respondent Jefferson Rinsington has com-  
28 pleted about <sup>1/2 mile to make</sup> 1/2 mile of his work; that C.  
29 C. Blauenship has completed about <sup>1/2</sup> yards  
30 of his work; that M. C. Miles was only getting  
31 ready to work when enjoined; that they were  
32 acting in obedience to an order of the County  
Court of Lin County; that they are now acting



3  
1 in obedience to your honor's injunction;  
2 that your respondents are advised that the  
3 action of the board of Supervisors complained  
4 of by Complainants is a legal one and  
5 they think that it will so appear from an  
6 attested copy of their order here marked "A. 1;"  
7 that it is not true that the items of \$1200- and  
8 \$585- were submitted to the Board of Supervisors  
9 by the County Court, but it is true that the  
10 items of \$400- and \$585- were so submitted;  
11 that it is true that it is the duty of the Attorney  
12 for the Commonwealth to represent the County before  
13 the board of Supervisors, but they are advised  
14 that when the said Attorney for the Commonwealth  
15 fails to discharge his duty that persons injured  
16 thereby have a right of action upon his  
17 official bond, and that such failure  
18 does not render the action of the Board of  
19 Supervisors either void or voidable; that  
20 the said Board did not act without  
21 counsel, but that the levy here complained  
22 of was bitterly opposed by one of the  
23 Attorneys for Complainants, to-wit:  
24 A. L. Pridemore; that complainants had their  
25 right of appeal from the action of said  
26 board and that they failed to avail  
27 themselves thereof within the time prescribed  
28 by law. In books 1887, Sec 841. Also see  
29 copy order of Sept. 22- 1893 & July 22- 1893 marked  
30 "A 2."

31 Your respondents further say that  
32 the proposed road is in their opinion



4) 1 a mud wagon road for the reasons that  
2 it does not change any existing road;  
3 that because it adopts a portion of an  
4 existing road does not make an  
5 alterations in a road; that it is not  
6 true that there is any direct road from  
7 Jonsville to Ocoonite; that the road referred  
8 to by complainants to Ocoonite from Jonsville  
9 is of unnecessary length for a great portion  
10 of the public, yet it is necessary and  
11 is needed by other portions of the  
12 public and its existence does not  
13 obviate the necessity of this new road,  
14 the necessity of which has been well  
15 reported by the viewers. In their report  
16 "A 3"; that the existing road is one of bad grade;  
17 that it is circuitous, while the new road is  
18 direct; that the length of the new road is  $5\frac{1}{4}$  ms;  
19 that the length of the existing road is ~~from 7~~<sup>about</sup>  
20 ~~to 8~~ ms; that the greatest divergence between  
21 the two is about  $3\frac{1}{2}$  ms.

22 Respondents further state that this road case was  
23 not taken up and considered in advance  
24 of all other matters at the November Term of the  
25 County Court, 1893, but that the same was  
26 docketed on the 1st day of said term upon  
27 the calling for motions and the order dis-  
28 posing of the matter was entered on the 3rd  
29 day of the term. See Affidavit of the  
30 Judge marked "A 4"; that it is not true  
31 that the County Court had counsel in the  
32 case. Also see Affidavit of the Court



5

1 marked "A.A."

2 Respondents further state that it is not true as  
3 they are informed that Complainants offered to  
4 give any bond until after the November term,  
5 1893, of the County Court had closed, so that  
6 no bond could be legally taken and an ap-  
7 peal properly matured. In Affidavit <sup>of the Judge</sup> of the  
8 County Court marked "A.A." & order Nov. 22/93 "A.B."

9 Respondents further answering say that they  
10 are advised that the Complainants have  
11 made no good reason against the  
12 establishment and construction of said  
13 proposed road, nor do they show any  
14 valid <sup>or equitable</sup> reasons why they should not work  
15 on it, such as that they are too remote,  
16 or that they have worked 5 days on a  
17 new road during the year; that if they  
18 have any valid reason that their remedy  
19 was at-law after being warned to work  
20 and not in Chancery; that it will appear  
21 from exhibit "A5" here filed that Complainants  
22 come into this cause after the road was estab-  
23 lished, and it will fully appear from the record  
24 in the road case exhibited or proposed to be  
25 exhibited with Complainants' bill that they  
26 were not parties to the record and that they  
27 had no interest therein and that for  
28 these reasons their bill should be dissolved.  
29 In 1 H. & M. 403-5; 204 519 & 484; 77 D. 678; 78-730;  
30 52 5/8 side page; 87-349; Minor Vol 4 part 1 p 958 top; 9 21, p 164.

31 These respondents now allege that the pro-  
32 ceedings had in this road case are regular



6) 1 on if they are not, that the complainants  
2 have no rights in this case, nor to have said  
3 proceedings corrected, a copy of which  
4 proceedings are ~~has~~ filed marked X  
5 supposed to be filed with complainant's bill.

6 Your Respondents further state that this proposed  
7 new road is of an importance and a value  
8 to the public that is hard to estimate, but  
9 your respondents do say that they think  
10 that they are very safe in estimating  
11 that the public is damaged <sup>per</sup>  
12 \$allars per day by this suspension of  
13 work on account of this bill of Injunction.  
14 Oconto is the nearest freight depot  
15 to a large section of country, including Jousville,  
16 and it is not probable that there will ever be  
17 one near. In statement of J. W. Lagston  
18 marked "A 6." and statement of J. A. Metcalf  
19 Civil Eng's L. & N. R. R. marked "A 7"

20 Your Respondents further state that this road was  
21 established without opposition in copy of order  
22 marked "A 8," and your respondents allege that  
23 these complainants have no equitable ground  
24 for enjoining its construction; that they have  
25 not even sworn to the equities of their bill,  
26 and are therefore not entitled to longer remain in this court,  
27 troubling the public with their false clamoring.

28 In as much as your respondents have  
29 been acting under an order of the County  
30 Court in the construction of this road,  
31 and are for that reason public servants,  
32 they have deemed it their duty to answer



\* Respondents now say that Joseph Harris, Wm S. Martin, Joseph D. Plummer, Henry B. Graham, Frank Lanningham No. 9, Blankenship are not plaintiffs in this suit & that their names have been used without their knowledge or consent. See §§ 28, 153 & case cited.

1 now the complainants bill fully, and  
2 to thereby vindicate an important  
3 public interest, but they allege that  
4 they are not liable for any costs  
5 nor does the complainants bill pray for  
6 costs against them.

7 Your respondents now state that <sup>the</sup> complainants  
8 charge that the County Court is unduly in-  
9 trusted and is not competent for that reason  
10 to act in the case. This charge is untrue,  
11 and is an unjust thrust at the County  
12 Court. See exhibit "A. A." in A. C. p 139; G. H. p 12.  
13 \* Now it will appear from the records of the road case  
14 that complainants did not appeal of right - but  
15 elected to tender their bills of exception which  
16 were signed by the Court, and then respondents  
17 are advised that after they had so elected  
18 that they were bound by their election,  
19 and that they were no longer entitled to  
20 an appeal of right; and your re-  
21 spondents are also advised that they  
22 having selected and accepted the rem-  
23 edy by way of writ of Superad as by  
24 accepting and asking for their  
25 bills of exceptions which were signed  
26 and sealed by the Court that they  
27 then had a pending remedy at  
28 Law and are therefore not entitled  
29 to relief in equity. See 1887 Sec. 3453 &  
30 case cited. And now having fully answered  
31 respondents ask &c as above stated & will  
32 ever pray &c.

Wm A. Orr } P. 2  
E. W. R. Ewing }

Affidavit on outside.



1 Virginia, Lee County to wit:

2 I James W. Orr a Commissioner in Chancery  
3 of the Circuit Court of Lee County Va, do certify  
4 that M. L. Miles and Jeff Pennington this day  
5 personally appeared before me in my said  
6 County and made oath that the facts stated in  
7 the foregoing answer so far as they depend  
8 on their own knowledge are true, and so  
9 far as they depend upon information derived  
10 from others they believe them to be true.

11 Given under my hand this the 9th day of  
12 December 1893. James W. Orr, Comm.  
13 in Chancery.  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Jeff Pennington et al

Ans.  
Ads.

Bent. Answer et al

Exhibits filed.



Jeff Cunningham et al  
 ads } Ans. & Dem.

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

Benj. Lund et al  
 Filed December 12<sup>th</sup> 1893  
 A B Munsyck

Wm A. Orr } Atty.  
 E. W. R. Ewing }



Benf. Sneed et al Plff

against

Jeff Pennington et al Defs

} In ch

It being suggested that since the institution of this suit that M. H. Crockett has departed this life intestate & M. E. Crockett having qualified as his personal representative said cause is revived in her name & ordered to be proceeded with to final judgment & thereupon this cause came on again to be heard by the consent of said M. E. Crockett administratrix of M. H. Crockett deceased and on the Bill of the Plaintiffs taken for confessed as to C. C. Blankenship & on the general & special demurrer & joint Answer of Jefferson Pennington & M. E. Miles with further in said demurrer & replication as to said answer the affidavits filed by the Plaintiffs <sup>& deponents of Blankenship</sup> & Defendants, & was argued by counsel. And it appearing from the affidavits of Joseph Fleenor, Frank Lanningham, H. B. Graham, Joseph L. Harris, George M. Blankenship, <sup>Isaac Wolliver</sup> & Wm S. Martin that they had not authorized <sup>the use of their names</sup> as plaintiffs & the same had been entered as plaintiffs inadvertently their names & each of them are stricken out of



of said Bill as plaintiffs. On con-  
 sideration of all which it is ad-  
 judged, ordered & decreed that <sup>said demurrer be they are executed</sup> the  
 injunction heretofore awarded in  
 said cause be & the same is hereby  
 perpetuated & made final & that  
 the plaintiffs Benjamin F. Sneed  
 R. S. Sprinkle, S. H. Bowlin, Samuel  
 Henderson, John Sneed, M. V. Garrett,  
 M. E. Crockett administrator of M. F.  
 Crockett deceased, S. C. Roop, J. W. Bowlin  
 Silas Baumgardner, James Baumgard-  
 ner, Jobe Osborne, James Osborne,  
 John Quesenberry, Peter West, Et al. &  
 Sprinkle, Cowan Fleener, Daniel  
 Berington, Solomon Spurrier, Jas W.  
 Ostich & Hannah Stewart plaintiffs  
 recover from the defendants Jeff  
 Pennington, M. C. Miles & C. C. Blanken-  
 ship the costs of this suit to be taxed  
 by the clerk & no further action  
 being necessary this cause is  
 stricken from the docket.

Benf. F. Sneed et al

vs } Decree final

Jeff Pennington et al

June 7. / 1894 -

Ent on Chy. Ord Book P 37

Enter this  
June 16 1894 -



Virginia

Circuit Court of Lee County in Vacation  
at Gate City Va Decr 23<sup>rd</sup> 1893 upon notice to dissolve an  
injunction in the case of

Benjamin Sued et als } In chg  
vs }  
Jeff Pennington et als }

And the court not being advised takes time to consider until  
1<sup>st</sup> Feb 1894

Feb 1<sup>st</sup> 1894 This cause came on this day  
to be heard on the motion to dissolve  
the injunction heretofore granted in this an  
notice duly served upon the bill deponent and  
answer & affidavits & exhibits filed & was  
argued & counsel & it appearing proper  
the motion to dissolve is overruled &  
the injunction is continued until the  
further order of the court.

To the Clk of the Circuit } H. S. K. Morrison  
Court of Lee County Va } Feb 1<sup>st</sup> 1894



B. Grand etals  
vs Incher

Jeff Pennington etal

Vacation Return

Feb 1st 1894.

Entered Chas order Book

P 553. Feb 14th 1894

AB Munsey clerk



The depositions of Joseph D. Flunor, H. B. Graham, George M. Blankenship, Frank Lammings and W. S. Martin

taken before me, A. B. Muncy, a Commissioner in Chancery for the Circuit Court of Lu County, Va., pursuant to notice hereto attached and annexed at the Office of Wm A. Orr, in the town of Jonesville, Va., on the 8th day of May, 1894, between the hours of 9 A.M. and 4 P.M. to be read in evidence in behalf of the defendants, M. C. Miles, and Jeff Rummington, Superintendants & C., in a certain suit depending in the Circuit Court of Lu County, wherein Benj. Sneed et al are plaintiffs and M. C. Miles, Jeff Rummington et al, Superintendants of the Construction of the Jonesville and Cranter road are defendants.

Present: Wm A. Orr, atty for road.

Joseph D. Flunor a witness of lawful age, being duly sworn, deposes and says as follows:

What is your age, occupation, & was you an own-er of a road in Lu Co. Va. at the time this suit was



2

brought?

Ans

My age is 45 years my Occupation is a Farmer, and I was an overseer of the road at the time said Suit was brought.

2-

Was you then a and are you now a citizen of Lee Co. Va

Ans

I was then, and am still.

3

Have you seen the bill in this suit & if so does your name appear as a party plaintiff in said suit.

Ans

I have seen the bill. My name appears as a party plaintiff in said suit.

4

Did you authorize a suit brought by you and in your name, or did you authorize your name to be used in said suit for the purpose of preventing or hindering the construction of the road therein named.

Ans

I did not authorize my name signed or used for said purpose.

5

Was you then friendly and are you still friendly to construction of said road?

Ans.

I was, and am.

6-

~~What is your estimate of the damage to the public on account of the delay of the construction of said road since~~



Ans

~~since January 1893~~

And further this deponent saith not  
Joseph D. Fleenor

Henry B Graham another witness of  
lawful age deposes and says

My age is 40 years my occupation is that of  
a Farmer. I was an overseer of the road at  
the time said suit was brought. I have  
seen the bill in said suit. I see my  
name in the bill, I did not authorize  
my name to be used in said bill as  
a party plaintiff. I was and am friend  
ly to the road.

And further this deponent saith not.  
H. B. Graham,

George M Blankenship another witness  
of lawful age deposes and says.

My age is 31 years my occupation is that  
of a farmer, I was an overseer of the  
road at the time said suit was brought  
I have seen the bill in said suit. I see  
that my name is used in said suit as  
a party plaintiff, and the same was used  
without my knowledge or consent  
I was and am friendly to the road

And further this deponent saith not  
George M. Blankenship

Frank Landingham another witness of  
lawful age deposes and says.



4  
My age is 37 years. My Occupation is that of a farmer. I was an Overseer of the Road at the time Said Suit was brought. I have seen the bill in this Suit, and my name is used as a party plaintiff in this Suit, and the same was used without my knowledge or Consent.

I was, and am friendly to the road. I subscribed five days extra <sup>work</sup> to build said road, and if it had become necessary in order to complete said road would have worked 10 days more.

And further this deponent saith not.

Frank <sup>his</sup> X Landingham <sub>mark</sub>

W. S. Martin another witness of lawful age deposes and says,

My age is 24 years my Occupation a farmer. I was an Overseer of the road at the time Said Suit was brought. I have seen the bill in Said Suit, and my name is used as a party plaintiff without my knowledge or Consent. And further this deponent saith not.

W. S. Martin.

The further taking of these Depositions is adjourned until to morrow morning nine o'clock

A B Munsey Comr.  
In Chancery



5  
May 9<sup>th</sup> 1894

The further Taking of these Depositions is  
adjourned until to Morrow Morning 9 O'clock

A B Munsey Comr

In Chancery

Virginia, Lu County, to-wit:

I, A B Munsey, a Commissioner  
in Chancery for the Circuit Court  
of Lu County, Va, do hereby Certify  
that the <sup>foregoing</sup> depositions of Joseph D. Hemor,  
H. B. Graham, George M. Blankenship,  
Frank Lunningham and Wm Martin  
were duly taken before me, and that  
they were subscribed and sworn to  
before, at the place and time,  
and for the purposes mentioned  
in the caption. Given under  
my hand this the 9<sup>th</sup> day of  
May, 1894.

A B Munsey Comr  
in Chancery



Jonesville, Va. 1894.

(16), 2 (13) 3 4 (13) 5 (12)  
To B.F. Sneed, R.S. Sprinkle, Harvey Sprinkle, S.H. Bolen, Samuel Henderson,  
John Sneed, M.V. Garrett, M.H. Crockett, L.C. Roop, J.W. Bolen, Silas Baumgard-  
ner, James Baumgardner, Job Osburn, James Osburn, Isaac Wooliver, John  
Ouesenburn, H.B. Graham, Frank Lanningham, Peter West, Geo. M. Blankenship, Elisha F. Sprinkle, Jos. D. Fleenor, Daniel Byington, Jas. W. Poteet, Elkanah  
Stewart, and William S. Martin:

You and each of you will please take notice that we will  
proceed to take the depositions of H.C.T. Richmond, S.S. Surgener, Wm. A. Orr  
H.B. Graham, Jos. D. Fleenor, and others at the office of William A. Orr in  
Jonesville, Lee county, Va., on the 8th day of May, 1894, between the hours  
of 9 A.M. and 4 P.M. of that day, which depositions when taken are to  
be read as evidence in our behalf in a certain suit in Chancery now  
pending in the Circuit court of Lee county, Va., wherein you are plaintiffs  
and we et al. are defendants; and if from any cause the taking of the  
said depositions be not begun on that day or be begun and not completed  
on that day the taking of the same will be adjourned from day to day  
and between the same hours, and from time to time and from place to place  
until the same is fully completed.

Very respectfully,

M.C. Miles,

Jeff Pennington,

Supt., &c.

By

W. A. Orr,

E. W. R. Ewing,

Counsel.



X

DUNCAN & HYATT  
ATTORNEYS AT LAW

Executed May 2, '94  
by delivering a true  
copy of within to  
Geo. W. Blount  
Shup, Frank Loring,  
Wm. E. F. Sprinkle,  
& by delivering a copy  
from to the wife  
of Peter West, L. C.  
Boop, & M. R. Garrett,  
they each residing at  
the house of said men  
& bring over 16 years  
old that plain name  
to said woman, by  
lacking a copy on  
front door of Gos,  
Horris, some bring  
his usual place  
of abode & he not  
bring at home.

C. E. Flannery.  
J. L. L.



# H.B. Graham, Jos. D. Flenor, and others,  
at the office of William A. Orr

Do B. F. Reed, R. S. Sprinkle, Harry  
Sprinkle, S. W. Bolen, Samuel  
Henderson, Geo. Reed, M. V.  
Garrett, M. H. Crockett, S. C.  
Roop, J. W. Bolen, Elias Baum-  
gardner, James Baumgardner, Job  
Orsburn, James Orsburn, Isaac  
Hooliver, John Innesburg, H. B.  
Graham, Frank Loringham,  
Peter West, Geo. M. Blankenship, Elisha  
A. Sprinkle, Jos. D. Flenor, Solomon  
Spurrion, Jos. Harris, Leason Flenor,  
Daniel Byington, Jos. M. Poter, El-  
kanah Stewart, Wm S. Martine:-

You and each of you will please  
take notice that we will proceed to take  
the depositions of H. C. S. Richmond, S. S.  
Surgeon, William A. Orr<sup>#</sup>, in Jonesville,  
Va., on the 8th day of May, 1844, be-  
tween the hrs. of 9 A.M. & 4 P.M. of  
that day, which depositions when  
taken are intended to be read as  
evidence in our behalf in a certain  
suit in Chancery now pending in the  
Circuit Court of Lee County, Va., wherein  
~~we are plaintiffs~~ you are plai-  
tiffs over, et al., are defendants  
if from any cause the  
taking of the said depositions



is not begun, or begun and not  
completed on that day, the same  
will be adjourned from day today,  
and from time to time & from  
place to place, & between the  
same hours, until the same is  
fully completed.

Very resp.,

M. C. Miles,  
Jeff Pennington,  
Supt., &c.

By  
H. M. A. Orr,  
E. W. C. Ewing,  
Counsel.



B. F. Sneed et al.  
vs. / Notice, &c.  
Jeff Pennington et al.

This day W. E. Fleener  
personally appeared  
before me, A. B. Munnay,  
Clerk of Cir. Court Lee  
Co., Va., and made  
oath that on 30th  
day of April, 1894,  
he delivered a true  
copy of within to John  
Osburn, & on some  
day a copy of same  
to the wife of James  
Boringgordner,  
he bring from home,  
his said wife being  
over 16 years old, & he  
told her the nature of  
said notice. Given  
under my hand this  
May 7, 1894.  
A. B. Munnay Clerk



To B. F. Suid, R. A. Sprinkle, Harvey Sprinkle, J. H. Bölin, Samuel  
Henderson, John Suid, M. V. Garrett, M. H. Crockett, L. C.  
Roop, J. W. Bölin, Silas Baumgardner, James Baum-  
gardner, Job Osburn, James Osburn, Isaac Washburn,  
John Linsbury, H. B. Graham, Frank Lammington,  
Peter West, George M. Blankenship, Elisha Sprinkle, Joseph  
J. Fleener, Solomon Spruier, Joseph Harris, Cowen Fleener,  
Daniel Byington, James W. Poter, Elmus Steward and  
Wm. L. Martin

Gentlemen:—

You and each of you will please take notice that we will proceed to take the depositions of H. C. J. Richmond, A. L. Surgen, Wm. A. Orr, H. B. Graham, Joseph J. Fleener and others at the Office of Wm. A. Orr in Joursville, Va on the 8th day of May, 1894, between the hours of 9 A.M. and 4 P.M. of that day, which depositions when taken are intended to be read as evidence in our behalf in a certain suit in Chancery now pending in the Circuit Court of Lu County, Va wherein you are plaintiffs and we et al are defendants; and if from any cause the taking of said depositions is <sup>begun or not</sup> not completed on that day the same will be adjourned from day to day and from time to time at the same place and between the same hours until the same is fully completed.

Respectfully,

M. C. Miles  
Jeff Remington  
Supts &c

By

E. R. Ewing & Atty  
Wm. A. Orr



Virginia: Lee County to-wit:

I, A. B. Munsey, Court in Chancery  
do hereby certify that one A. Orr appeared before me in  
my County and made oath that he delivered a copy of  
the within notice to Elkanah Stewart, Wm. S. Martin, Jos. A.  
Flemor, Leowen Flemor, John Tinsbury, Isaac C. Williams,  
Samuel Byington, Sol. Spencer.  
This May 8th 1894.

A B Munsey Clerk

Virginia, Lee County, To-wit:-

I, A. B. Munsey, Commissioner in Chancery,  
do hereby certify that E. W. R. Ewing personally  
appeared before me and made oath  
that that on or before April 16th, '94,  
he delivered a true copy of the within  
notice to B. F. Vined, R. S. Sprinkle, S. H.  
Bolen, Samuel Henderson, Geo. R. Reed,  
J. M. Bolen, by delivering a copy to his  
father, he being over 16 years old residing at  
home of his son, This May 8th, 1894.

A B Munsey Clerk

delivered

B. F. Vined et al

May 8 - 1894

Filed May the 11th 1894

A B Munsey  
Clerk

Jeff Cunningham  
Mileposts

we accept service of  
the within notice.  
Apr - 1894.



Virginia Lee County to wit -  
This day George W. Blankenship  
personally appeared before me the  
undersigned and made oath, that  
on Monday Dec. 4<sup>th</sup>, about the  
hour of ten in the morning that  
acting as Counsel for the parties  
named in the bill of which  
this accompanies; that he pre-  
sented the paper hereto attached  
in its hand writing of Hon. H. S.  
K. Morrison to Hon. J. W. Orr  
Judge of the County Court, of Lee  
County, at its Court House of  
said County, and that at the time  
of presenting the same, the orders  
in said road case had not  
been entered on the order book  
or signed by the Judge. That he  
offered under the direction of  
the said Judge to have executed  
for his Client any appeal bond  
required in said road case known  
as the Cranks or Ocoeneta road -  
and that he requested on the ex-  
ecution of said bond a suspen-  
sion of the work directed to be  
done. That he was prepared for  
his Client to have such bond ex-  
ecuted. But the Court refused to sus-  
pend the order directing the work to pro-  
ceed & assigning hands thereon or



to direct bond to be taken or fix a  
penalty herein or to have any-  
thing whatever further to do with  
the said road order or case -  
Given under my hand this  
Dec. 4<sup>th</sup> 1893.

J. V. L. Richmond Clerk

Bery. F. Freed

D. Applegate

~~Left. Cunningham~~



Gentlemen

My impression is that there is an appeal of right in a road case & the appeal becomes operative when the appeal is perfected - i.e. when at the time at which it is decided, has entered upon the book that he appeals to & executes the bond required by the court - when that is done the case must be disposed of in the court appealed to before any action can be taken under the order appealed from. To act, notwithstanding the pendency of an appeal which has been perfected as aforesaid under the order appealed from is a contempt & a rule will be awarded, or porters attached for contempt - All this doctrine you will recollect - cited in Powell an appellate proceedings & in the reports of our own courts - Robersons old practice & numerous authorities make cases it is discussed in appeals from orders granting legation



licens

W L N Mounier

Dec 2. 1893

If you want attachments  
or rules for certificates and  
copy of ord. ~~attaching~~  
approl + giving of bond  
+ proper affidavits

W L N M



Virginia, Lee County, to wit,

I, D.C. Sewell, do certify that on the 4<sup>th</sup> day of December 1893 Samuel Henderson made the affidavit before me appended to the Bill of Benj Smead et al against Jeff Pennington et al on the back of which there is an injunction granted by Judge, H.S. H. Morrison dated December 5<sup>th</sup> 1893; that said Bill is now before me & the affidavit thereto appended in the hand writing of A.L. Pridemore & signed "D.C. Sewell" was made before me as a Notary Public by Samuel Henderson; that I was then and am now a Notary Public for Lee County Virginia. I notice my signature is signed D.C. Sewell only, ~~it~~ should have been D.C. Sewell Notary Public, for in that capacity I acted. I did not notice the omission of it (Notary Public) until my attention was called to it this day. Given under my hand & seal this 22<sup>nd</sup> day of December 1893.

D.C. Sewell

Notary Public  
for Lee Co., Va.

Seal



Benf. Smead et al  
vs Affidavit of  
D. C. Sweet  
Jeff. Pennington et al

---



1 Virginia, Lee County, to-wit:

2 We, the undersigned do hereby state and  
3 certify that there is a bill of Injunction now  
4 pending in the Circuit Court of Lee County  
5 Va wherein Benj. F. Lund & others are plaintiffs,  
6 and Jeff Pennington & others are defendants,  
7 the object of which is to enjoin the work  
8 on the new road lately established from  
9 Jonesville to Grants; And we also  
10 certify that our names appear as  
11 plaintiffs in said suit, <sup>as owners</sup> And that  
12 our names have been used without  
13 our knowledge or consent and  
14 we hereby protest against such use  
15 of our names. This December - 1893.

16  
17 Joseph, L. Fleenor  
18 Frank <sup>his</sup> X Lanningham  
19 H. B. Graham,  
20 Joseph L. Harris.

21  
22  
23 Subscribed & sworn to before me by Joseph L. Fleenor  
24 Decr 9th 1893.

James W. Orr, Comm.  
in Chancery, Cir Ct, Lee Co.

25  
26 Virginia, Lee County, to-wit:

27 I, J. V. F. Richmond, Clerk of the County  
28 Court of Lee County do certify that Frank  
29 Lanningham, H. B. Graham, Joseph L. Harris,

30  
31 subscribed their names to the foregoing  
32 writing and made oath that the same  
is true.



1 Given under my hand this the 9<sup>th</sup>  
2 day of December, 1893.  
3 D. V. F. Richmond Clerk

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

We think the road in question is one of  
public necessity and that it should be  
made. Dec. 9<sup>th</sup> 1893.

Joseph D. Fleener



Joseph D. Flenor

et- al

Official

Pro. Out

Jeff Remington

ads } Filed in Aus

Bury: Sued et- al



Virginia,

At a county court continued and held for Lee County  
at the Court house thereof on Wednesday Nov 22<sup>nd</sup> 1893.

1 The matter of opening and constructing a new wagon  
2 road, established on the 22<sup>nd</sup> day of July 1893, from  
3 the foot of Chestnut Ridge to Crank's new Occoita  
4 came on this day to be heard upon an order of the Circuit  
5 Court of this County bearing date November 15<sup>th</sup> 1893,  
6 remanding the case to this Court with instruction to  
7 first dispose of the appeal from the action of the Board  
8 of Supervisors of October 7<sup>th</sup> 1893 to this Court, before  
9 disposing of the road case. And upon argument of  
10 Counsel and upon due consideration the Court is of  
11 opinion, and doth so adjudge that this Court has no  
12 Jurisdiction of said appeal and that the same should be  
13 dismissed, because the appellant had no right to appeal  
14 from the action of said Board, an appeal therefrom could  
15 only be taken by the attorney for the Commonwealth either  
16 on his own motion or at the instance of six free holders  
17 of the County, see Section 841. Code of 1887, and when so  
18 taken must have been, in this instance, to the Circuit Court.  
19 See Sec 837. Code 1887. It is therefore ordered that said appeal  
20 be dismissed. And it further appearing from the said  
21 order of the Circuit Court that <sup>the names of</sup> Jefferson Pennington et al  
22 have inadvertently and erroneously gotten into the record  
23 in this case as applicants for said new road, when in fact  
24 there never was an applicant or applicants for said road  
25 but the proceedings have all been by the Court under  
26 Section 945- Code 1887, it is therefore ordered that the name  
27 of said Pennington et al as applicants be and are hereby  
28 stricken from the record, and that the case be proceeded  
29 with as a matter directed by this Court, under said Section.  
30 And the Court being of opinion that the said new road  
31 should be made and opened as soon as practicable as heretofore  
32 established, and the Board of Supervisors of this County  
at its meeting held the 7<sup>th</sup> day of October 1893, having



1 taken action upon the request of this Court to make an ex-  
2 penditure for the purpose of making and opening the said  
3 new road as established, July 22nd 1893, from the <sup>foot</sup> ~~top~~ of  
4 Chestnut ridge to Frank's new Ocoonito, and to pay the  
5 damages assessed to the land owners along said road,  
6 and whereas two thirds of the members of said Board present  
7 were not opposed to said expenditure and one half of said  
8 members present were in fact in favor of the expenditure  
9 of \$585-00, the amount necessary to pay the damages assessed  
10 to said land owners, and <sup>and said Board having certified their said action to this Court</sup> so recorded their votes, and their  
11 action being satisfactory to the Court, and the Court being  
12 of opinion that the levy of \$585-00, will enable the Court  
13 to open the road, together with other means and labor at  
14 the Courts Command. It is therefore ordered that said road  
15 be made and opened sixteen feet wide as heretofore estab-  
16 lished, and that said sum of \$585-00 be paid to said land  
17 owners in liquidation of the damages heretofore assessed  
18 in their favor. And Pennington Bros and A. B. & H. McElroy  
19 having bound themselves in writing to make so much of said  
20 road as lies North of the top of Poor Valley ridge, it is  
21 ordered that Jeff Pennington be and is hereby appointed  
22 Superintendant of that part of the work; and that C. C.  
23 Blankenship Sr. be and is hereby appointed Superintendant  
24 of that part of the work from the ~~top~~ of Poor Valley ridge  
25 Southward to Champ T. Hamblen's; and that M. C. Niles be  
26 and is hereby appointed Superintendant of the remainder of  
27 said work. And the following Overseers of roads with  
28 their lists of hands are assigned to said Jeff Pennington, to  
29 wit: John Thesenberry, Jeff Pennington, Benjamin Carroll  
30 and George Barlow; and the following Overseers of roads  
31 with their lists of hands are assigned to said Blankenship, to  
32 wit: A. B. Graham, P. C. Orr Frank Lunningham, Peter



1 West, Samuel H. Balin, George M. Blankenship, Elisha F. Finkle  
2 Joseph D. Fleenor, and Solomon Spurrier, and the following  
3 Overseers of roads with their lists of hands are assigned  
4 to said miles, to wit: - Joseph Harris, Camen Fleenor, Daniel  
5 Byington, L. C. Roof, James W. Pateet, Elkanah Stewart, Mr S  
6 Martin, & M. C. Miles acting Overseers of the Jonesville precinct  
7 of road. Each of said Overseers with their list of hands  
8 to work not exceeding five days during the year on said road.

A Copy Test: S. V. Richmond Clerk



Jamesville + Crank Road.

Order for Term 1893.

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

"A B"

Jeff Remington & Co

adrs } Filed in Ans

Buy: Druid & Co

Enter this Order

J. W. Orr

for 22nd 1893.



1 Virginia: At a meeting of the Board of Supervisors of  
2 Lee County, at the Court house thereof, on Saturday  
3 the 7th day of October, 1893. Present: H. L. Y.  
4 Richmond, Chairman, John J. Hughes, J. D. Sargent and  
5 John W. Smith. The board having met for the  
6 purpose, proceeded to determine by a recorded vote,  
7 whether the expenditure asked for by the County Court of  
8 this County to construct a new wagon road from  
9 the present road on the South side and at the  
10 foot of Chestnut ridge to Cranks, now Occochee,  
11 a Station on the S and A. R. R., is deemed proper.  
12 And thereupon, A. L. Bridemore appeared and  
13 contested the matter of making said expend-  
14 iture and on a hearing and due consideration,  
15 H. L. Y. Richmond, and J. D. Sargent voted in favor  
16 of the expenditure of \$585<sup>00</sup>, part of said sum  
17 asked for being the amount sufficient to pay  
18 the amount of damages allowed the  
19 several land owners along the route  
20 of said new road by said Court to be  
21 paid when said road is made, and  
22 John W. Smith and John J. Hughes voted  
23 against said expenditure. Which said  
24 action of the Board is ordered to be  
25 certified to the said County Court  
26 by the Clerk of this Board. And the  
27 said Bridemore thereupon appealed  
28 from the said action of this Board  
29 to the County Court.

30 A copy. Test: Jas. R. Gibson D. C. for  
31 J. D. F. Richmond, Clerk

32 A copy Test: - J. D. F. Richmond Clerk



Certificate of

Board Supervisors

"A1"

Jeff Pennington et al  
ads } filed in Aus

Buy. Fund et al



1 Virginia:

2 At a County Court continued and held for  
3 Lee County, at the Court house thereof on Saturday  
4 the 22nd day of July, 1893.

5 The matter of the establishment and Construc-  
6 tion of a wagon road from Jonesville to  
7 some station on the Pied Mt. Rail Road came  
8 on again to be further heard upon the  
9 Report and Supplemental Report of J. A.  
10 G. Hyatt, A. M. Jones and J. O. Gibson,  
11 Viewers, filed May 6th, 1892, and May  
12 17th 1893, respectively, and the plats and  
13 diagrams "A" & "B" filed therewith, and the  
14 evidence heard at the last term, and upon  
15 the report of C. C. Blankenship, J. N. Gridlin,  
16 H. C. Joslyn, & E. S. Woodward, Commissioners,  
17 filed July 4th 1893, and said reports be-  
18 ing unexpected to and it appearing to  
19 the Court from said reports, and the  
20 evidence heard, that said road, if  
21 established and made, will be a public  
22 Convenience, and it further appearing  
23 from said reports, and the evidence, that  
24 the Elliott Survey is preferable to the Nichols  
25 Survey as an entirety and that said  
26 viewers have adopted the present road  
27 from Jonesville to the point X on plat "A",  
28 being a point in said road at or near  
29 the foot of Chestnut ridge, and recommend  
30 the Construction of a new road from  
31 this point to John Cunningham's near  
32 Crank's station on said Rail



2  
1 Road, and then adopt the present road  
2 from said Remington's a short distance,  
3 to said Station. It is therefore consid-  
4 ered by the Court that said proposed new  
5 road be and is hereby established, thirty  
6 feet wide, as located by said Viewers on  
7 the Nichols Survey from the point X, in  
8 said Survey, to the top of Chestnut ridge,  
9 and thence with the Elliott Survey at  
10 Station 12 on Poor Valley ridge, and thence  
11 with the said Nichols Survey to John Rem-  
12 ington's, and the said Reports, plats &c  
13 of said Viewers and report of said Com-  
14 missioners are, in this respect, and to  
15 this extent confirmed; and the said  
16 Report of C. C. Blankenship and others, Com-  
17 missioners, is also confirmed in the  
18 ascertainment and assessment of dam-  
19 age to the land owners along the  
20 route hereby established. And the Court  
21 being of opinion that by the use of a  
22 reasonable amount of labor by owners  
23 of roads and their hands, in the va-  
24 cinity of said new road, that the amount  
25 necessary to be expended, in money, by the  
26 County, in completing the construction of the  
27 same, can probably be reduced to \$1200<sup>00</sup>.  
28 It is therefore further ordered, subject however  
29 to the action of the Board of Supervisors of this  
30 County, that the sum of \$1200<sup>00</sup>, or so much  
31 thereof as may be necessary, be expended in  
32 making and opening said road, and



1 that the sum of \$585<sup>00</sup> be paid to the land  
3 owners as reported by said Commissioners,  
and that this sum be Certified to said  
4 Board of Supervisors for their determination  
5 as to the propriety of such expenditure. And  
6 until the action of said Board in regard  
7 thereto is Certified to this Court the cause is  
8 continued.

9 A copy - List. S. W. Richmond Clerk  
Virginia:  
10 In a County Court continued and held  
11 for Lee County, at the Court house thereof  
12 on Friday the 22nd day of Sept. 1893.  
13 It appearing to the Court that Jeff Pen-  
14 ington & other citizens of Poor Valley and  
15 Sugar Run, in the vicinity of Grapies, now  
16 Occoita, agree & propose to bind themselves  
17 to build at their own expense so much  
18 of the new road lately established across  
19 Poor Valley Ridge to said Rail Road Station,  
20 as lies north of the top of Poor Valley Ridge,  
21 thereby reducing the amount necessary to be  
22 expended by the County in making and  
23 opening said new road to the <sup>sum</sup> of \$400<sup>00</sup>.  
24 It is therefore ordered that the Board  
25 of Supervisors of this County be and are  
26 hereby requested to again consider the  
27 matter of making a <sup>high</sup> way for the purpose  
28 of making said road south of the top  
29 of said Ridge - and that they levy for  
30 that purpose the sum of \$400<sup>00</sup>, which  
31 in the opinion of the Court will be  
32 sufficient, after the use of so much



1 free labor as should be used in opening  
 2 said road. And it is ordered that  
 3 the Clerk of this Court notify the said  
 4 Board that they are requested to  
 5 meet at the Court house of said  
 6 County on the 25th day of September  
 7 1893, to Consider this matter.

8 A Copy  
 9 Lest S. V. F. Richmond Clerk

J. W. Wille & Associates  
 Road

18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28  
 29  
 30  
 31  
 32

"A 8"  
 and  
 "A 2"

~~Board of Supervisors~~  
 J. W. Wille & Associates  
 Filed in Case  
 Burg: Laid at



1 Abstract copy of Vickers Report on Crankers Road  
2 filed May 6th 1892 F x x x x

3 We have reported to your Honor that on this  
4 route there would not be over  $3\frac{1}{4}$  miles of new  
5 road to construct, and that said John Pen-  
6 ington had proposed to construct said  
7 road from his house to the top of the  
8 Paor Valley ridge which is 5400 ft. If said  
9 Penington should construct said 5400 ft  
10 of new road then there would only remain  
11 to be constructed at public expense  
12 the distance from the point of our said  
13 plat to the top of Paor Valley ridge, a  
14 distance of less than  $2\frac{1}{4}$  miles. In our  
15 opinion \$5000 would be a sufficient sum,  
16 after procuring the right of way to construct  
17 said road.

18 We would represent unto of our  
19 Honor that there is not a road in the County  
20 made as badly as this; there is not a road  
21 in the County that would be of such general  
22 convenience to the public as this; and we  
23 therefore recommend that it be established.

24 Respectfully Submitted, May 1st 1892.

25 A. M. Jones }  
26 J. A. G. Hyatt } Vickers  
27 J. O. Gibson }

28 Abstract copy from report of Vickers on  
29 recommendation filed May 17th 1893, Changing  
30 location in part to Elliott Survey x x x

31 We here intimate all things necessary to  
32 this report, stated in our former report;



1 and make it part of this report.

2 Respectfully Submitted

3 J. A. J. Hyatt } viewers  
4 J. D. Gibson }  
5 A. M. Goins }

6 Abstract Copies

7 Test - S. V. F. Richmond clerk  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

Reports of Viewers

"A Z"

Jeff. Running two et al

Adm. Felix in Ariz.

Bing: Ariz et al



1 I James W Orr, Judge of the County Court of Lee County  
2 Va, do solemnly swear, that at the November term 1893  
3 of said Court, the matter of making and opening the new road  
4 from Jonesville to Ocoonita was called up by Counsel  
5 for the road, under the call by the Court for motions,  
6 and was agreed to be heard and disposed of at some  
7 convenient time; so as not to interfere with jury trials,  
8 and on the 3rd day of the term, Nov 22nd 1893, the case  
9 was argued by Counsel for and against the appeal  
10 from the Board of Supervisors and for and against the  
11 road, and the order bearing that date was entered, dis-  
12 missing the appeal from the Board, directing the making  
13 and opening the road, appointing Superintendants of the  
14 work and assigning hands &c, and no exceptions nor  
15 appeal was taken from said order. On a subsequent  
16 day of the term, to wit, Nov 27th 1893, several persons  
17 appeared in Court, by A L. Pridemore their Counsel, and made  
18 three separate and distinct motions in regard to said road,  
19 the objects of which are fully shown in the orders answering  
20 said motions & the bills of exception taken, These motions  
21 were argued by Counsel for the plaintiffs, and taken  
22 under Consideration by the Court, and after Consideration  
23 I, on the morning of the 30th of Nov met Genl Pridemore  
24 on the street, and informed him I had disposed of the motions  
25 and had prepared <sup>an</sup> order in each case, such as I thought I  
26 ~~should~~ <sup>ought to</sup> enter, and asked him if we should go to the Court  
27 house and dispose of them formally, and he replied it  
28 was not necessary and looked at the orders accompanied  
29 by the bills of exception, which he had handed me when  
30 the motions were submitted & which I had signed, and  
31 stated that they would have to ask me for a suspending  
32 order until they could have the record copied, and I informed



1 him that I did not think the plaintiffs entitled to a  
2 suspending order at this time and in the present attitude  
3 of the case, and there was nothing more said on the  
4 subject. I then took the orders to the clerk - told him to  
5 enter them among the proceedings of the 27th 100, the day  
6 the motions were made, and I heard nothing more of  
7 the matter until on the 4th day of Decr 1893, Mr L. W.  
8 Blankenship came to my office and said he had been  
9 before Judge Morrison in the road case, and showed me  
10 a written statement signed by Judge Morrison, which I  
11 read, and Mr Blankenship then told me he, or they, wanted  
12 to execute bond and wanted the record copied, I told him  
13 I had disposed of the matter and the orders I supposed were  
14 entered, and I supposed the clerk would copy anything he  
15 wanted, and that I did not propose to have anything more  
16 to do with it as Court had adjourned, and this was the  
17 <sup>first & only time that bond was proposed to be executed at that term of the Court in</sup>  
~~this matter.~~ I have not had counsel in the said road case, and have  
18 no more interest in the matter than other citizens  
19 of the County, unless an anxiety to discharge my official  
20 duties promptly, in regard to a matter of public importance  
21 makes me more interested than others. So help me God

James W Orr

Sworn to before me Decr 8/93

D. V. F. Richmond Clerk



Judge H. W. Orr

Appellant

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

"A4"

"A4"

Jeff Remington et al

vs Filed in Ans.

Benj. Smith et al



J. H. Bolin, Silas Baumgardner, James Baumgardner,  
Job Ashburn, James Ashburn, Isaac Woolley,  
Samuel Henderson, M. L. Crockett hands.

Virginia.

A County Court continued and held for  
Lee County, at the Court house thereof on Tuesday  
the 27th day of November 1893.

This day came L. C. Roof, & S. H. Bolin overseers  
of roads, and ~~it~~ <sup>by an order</sup> assigned at a former day of  
the present term, to work an ~~a new road~~ <sup>a new road</sup> from  
Janesville to Ocoonita, and moved the Court to  
set aside the <sup>said</sup> former order requiring them and others  
to work an said new road, because it was improper  
for the Judge of this Court to act in the matter,  
as the orders in regard to said road had been  
made by the Court without an applicant for the  
road, and because the said new road is <sup>as they allege</sup> ~~in fact~~  
an alteration in an old road, and because the  
action of the Board of Supervisors of the County  
appropriating \$585.00, was not by a recorded vote,  
nor was the atty for the Commonwealth present  
at the meeting of said Board when said action  
was taken, and because the order <sup>of said Board</sup> does not  
show the names nor amounts due to each  
person but allows the same in the aggregate.

But the Court being of opinion that no sufficient  
grounds were shown <sup>or proposed to be shown</sup> for setting aside said  
former order, doth overrule said motion.  
To which action of the Court the said persons  
excepted and tendered their bill of exception which  
was signed, sealed and made a part of the  
record in the cause.

And thereupon the said <sup>L. C. Roof & others</sup> ~~persons~~ asked the Court to  
suspend the matter in regard to said road, as they  
intended to appeal herefrom, but the Court being of  
opinion that these persons are not entitled to said sus-  
pension and that the work on said road should  
proceed refused to grant such suspension.

A copy List - S. V. L. Richmond Clerk



L. b. Roof + als  
Order to B.

"A 5"

Original

Jeff Pennington et al

ad & Filed in Ans

Buy: And et al



Benj. F. Snodgrass et al  
against

Jeff. Pennington et al.

This is an injunction, to enjoin certain parties styled, road superintendents, from carrying out an order of the County Court, requiring some 200 Citizens ~~from~~ to assemble and by manual labor, open an alteration in an old road from Occusta, to Jonesville Va. - This can only be done in case of a new road as special road law for the law.

The road required an appropriation of \$400 or more, to be made and therefore to be referred to the Board of Supervisors for appropriation. By the Code Section, the Board must decide by a recorded vote, - This was not done, but the order was some two weeks written out on a large piece of paper. The order of the County Court was therefore a nullity and the road illegal -

For this and other causes, there was an appeal taken to the Circuit Court and the case reversed and sent back and at the Dec. Term of the County Court, that Court made an order again approving the action of the Board although the vote was never recorded and ordering the work to proceed.



And at the heel of the Term, the Court entered up an order, assigning many overseers, and their list of hands for a distance of ten miles, will to proceed & open the road.

From this order, the Court would not <sup>allow</sup> any appeal, as of right to operate as a supersedeas, and try the law case, nor would he allow a bond to be given and suspend this order for the short-period of 5 days to get the record made off. But the defendants, had worked in part of the hands assigned and they were actually at work, and threatening to summon all the men embraced in the order, to open the road.

The Court thus endeavored to open a road, not having the legal action of the Board of Supervising for the appropriation. It refused to respect the appeal, given as of right, to the defendants, it sought by having the hands put to work the day after the order was made, to have the 5 days labor provided for by law, worked out before a copy of the record could be made out & a supersedeas obtained.

It was to enforce this illegal order

Peffer.  
Brief.



and act of oppression that the injunction was asked. And a motion was afterwards made to dissolve the Cause argued.

The Equitable Jurisdiction was the main ground of this motion, But the Court overruled the motion and nothing has been done in the case since.

Equity will relieve in such cases.

See Walter v. Sheperdson 60<sup>th</sup>, American Decisions 423,

Pallock v. Gilbert same book P. 732, is in point and shows clearly the equitable ground.

See American & English Encyclopedia  
Title injunction Vol. 10.

But it will be observed that the County Court, assigned this large number of hands to work without, allowing them any compensation therefor, or hearing given them a day in Court, to show Cause against such assignment, but advanced the remarkable proposition that these men so assigned and hearing of it by accident as it were, had no right to come into the case, assert their right or appeal, that their only mode was to disobey the order of the Court and refuse to work - then the Court would



issue the rule, but the party could not then show the illegality of the order, or the unlawful establishment of the road but only a personal excuse, such as that he had already worked 5 days on a new road or the like. The court could thus protect its power by cutting off any appeal.

The main grounds of the injunction, was the contesting of the order, which assigned the land without notice or compensation. The first was held to be without law & the court refusing to suspend or respect the appeal, there was no adequate remedy at law. The order was because the Constitution protects the citizen and the public can no more take his labor than his property without a just compensation.

While the motion to dissolve, was pending before Hon. J. S. K. Thurman the Supreme Court of Appeals in a case that was taken up from Potawatomi County decided the statute making such assignments as there unconstitutional and void. The case has not yet come out that I am aware of but it was reported in the papers and has been acted on by other Courts. That decision ends this case, the injunction should be perpetual and made final.

June 16<sup>th</sup> 1874 A. L. Pickens



1 To B. F. <sup>1</sup>Ames, R. S. <sup>2</sup>Sprinkle, Harvey <sup>3</sup>Sprinkle, L. H. <sup>4</sup>Bolin,  
2 Samuel Henderson, John <sup>5</sup>Ames, M. D. <sup>6</sup>Garrett, M.  
3 H. Crockett, L. C. <sup>7</sup>Roop, J. W. <sup>8</sup>Bolin, Silas <sup>9</sup>Baum-  
4 gardner, James <sup>10</sup>Baumgardner, Job <sup>11</sup>Osborn,  
5 James <sup>12</sup>Osborn, Isaac <sup>13</sup>Goodwin, John <sup>14</sup>Dun-  
6 lury, H. B. <sup>15</sup>Graham, Frank <sup>16</sup>Lammingham,  
7 Peter <sup>17</sup>Vuest, George M. <sup>18</sup>Blankenship, Elisha F. <sup>19</sup>Sprinkle  
8 Joseph D. <sup>20</sup>Heunor, Solomon <sup>21</sup>Spurrier, Joseph <sup>22</sup>Karris,  
9 Lewis <sup>23</sup>Heunor, Daniel <sup>24</sup>Byington, J. W. <sup>25</sup>Patent,  
10 Elmah <sup>26</sup>Stewart and W. J. <sup>27</sup>Martin —

11 You and each of you will take notice that we  
12 will move H. J. K. Morrison, Judge of the Circuit  
13 Court of Lee County, Va, at his Office in Gate City,  
14 Va, on Saturday the 23rd day of December, 1893,  
15 to dissolve a bill of Injunction now pending  
16 in said Court, wherein you are plaintiffs  
17 and we are defendants — Upon  
18 grounds and for reasons <sup>at this time</sup> to be stated  
19 to said Court; And we will also move  
20 said Court at said time and place  
21 to award a decree against you and  
22 each of you for our costs in this case  
23 expended, and for the damages  
24 sustained by the Public by reason of said  
25 Injunction.

26 Respy

27 M. C. Miles,  
28 Jeff Remington By  
29 Wm A. Orr } attys  
30 E. W. R. Erving }

31  
32 Over, for service & C.



1 The hereby accept legal service of the within  
2 notice, and ask that the said Bill  
3 of Disjunction be dissolved at once,  
4 for the reason that our names are  
5 used as plaintiffs in said bill  
6 without our knowledge or consent.  
7 This Dec. 11<sup>th</sup> 1893.

8 Joseph L. Harris,  
9 Frank Lammingham By  
10 Wm A. Orr his Atty.  
11 George M Blankenship  
12 Isaac Woliver  
13 H. B Graham  
14 Joseph D. Fleener

15  
16  
17  
18 The accept legal service of the within  
19 notice. This December 11<sup>th</sup> 1893.

20  
21  
22  
23 Virginia, Lee County, to-wit:-  
24 I, James W. Orr a Commissioner in Chancery for the  
25 Circuit Court of Lee County, Va do certify that Wm  
26 A. Orr appeared before me in my County and made  
27 oath that he delivered a copy of the within notice  
28 to the wife of Solomon Spurrier he not being at home  
29 & explained the purport of it to her, and that he  
30 delivered a copy of said notice to Peter West who  
31 declared that he had not authorized the use of his  
32 name in the said mentioned in said notice  
& that he would have nothing to do with the case;  
that on the 12<sup>th</sup> of December, 1893, he delivered a copy  
each to Lemuel Fleener, John Smed, Ben F. Smed;



that on the 13<sup>th</sup> of Dec., 1893 he delivered a copy to  
Elisha F. Sprinkle, Robert S. Sprinkle, Harry Sprinkle,  
& a copy to the wife of John Lamsby, explaining to her  
the purport of the same, he not being at his usual  
place of abode, & a copy to Silas Baumgardner,  
James Baumgardner, Job Osbourn, James  
Osbourn, Isaac Wooliam, J. H. Bolin, J. W.  
Bolin; that on the 14<sup>th</sup> day of December, 1893, he delivered  
copies of this notice to Samuel Henderson, M. H. Crockett,  
~~Wm~~ J. Martin & J. W. Pottet & that on said day  
he handed a copy to the wife of L. C. Roof he not  
being at home, & that he gave a copy to the  
wife of Elkuah Stewart he not being at home,  
& that he explained the purport of said notice  
to the wife of the said Roof & to the wife of the  
said Stewart; and that he posted a copy  
of said notice on the door of the house of  
Daniel Byington, he not being at home, nor  
his wife or any member of his family  
being at home; that the wives upon whom  
this notice is served by him are over  
16 years of age & that the same was fully  
explained to each one of them, & their hus-  
bands were not at their usual place of  
abode. This December 15<sup>th</sup> 1893.

James W. Orr, Clerk in  
Chancery.

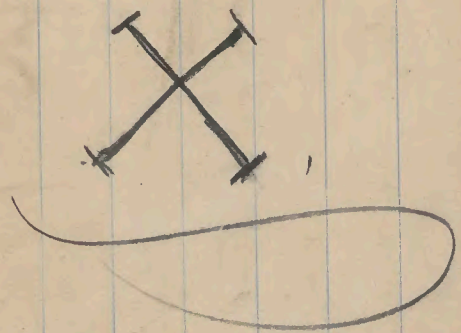


Notice to Dissolve  
Injunction

Burg: Smith et al  
vs

Mr. C. Miles et al

Dec 23-1893.



Wm. A. Orr } attys  
C. W. R. Ewing }



Jeff Pennington et al.

ads.

Benj. Sneed, et al.

This is a bill praying an injunction to prohibit superintendants appointed by and acting under an order from the county court of Lee county, from proceeding to open a road according to the directions of the said court.

Pursuant to notice ( see X ) the parties defendant desire to ask that the injunction granted in answer to the prayer of the bill on Dec. 5, 1893, be dissolved, because:

1st. a. Equity will not relieve where there is an adequate remedy at law; neglect on the part of interested parties does not bring them within the scope of equity. It is therefore submitted that the demurrer setup by the answer to the said bill is good, because sec. 841, Code '87, gives a remedy in such cases as this one. (See ans. 2nd.)

b. If county court had not jurisdiction, it is submitted that a remedy at law by writ of Prohibition was the correct procedure.

c. If the county court refused to do anything it should have done, the parties aggrieved had the effective writ of Mandamus.

3 Grat. 313, 11 Grat. 292.

2nd. As will be seen by sworn <sup>*depositions, now*</sup> statement inside notice to dissolve ( see X ), a number of men who purport on the face of the bill to be complainants ask that this injunction be dissolved because their names are used without their knowledge or consent. But if this negligence, to say the least of it, in joining these parties is not good on demurrer, the fact not appearing on the face of the bill, it is submitted that the plea is good, and is fatal to the injunction.

28 Gratt. 153, and cases cited.

3rd. It is submitted that this court will not take judicial notice that just any man is authorized to administer an oath, but his official capacity must at least appear prima facie with his certificate. Code '87 sec. 3440 requires the court to be satisfied of the plaintiff's equity. S.A. Henderson attempted to make affidavit, but it is submitted that it is a failure. Then if this injunction was granted on the affidavit of G.W. Blankenship, surely the strong counter affidavit of Hon. Jas. W. Orr ( see "AA", or "A4". ) destroys all grounds at that point.



4th. But it is submitted that had the parties plaintiff been entitled to proceed in this case, that the reasons assigned in their bill for relief, either do not exist or are untenable.

a. They say that the action of the board of Supervisors pursuant to sec. 956 of the Code, is illegal because no recorded vote was taken. That the deputy Clerk of the county court, John R. Gibson, acting as Clerk to the board on that occasion, should certify that there was a recorded vote ( see "A" ), if in reality there was none, is a proposition that ~~needs~~ needs more than the mere averments of a bill to substantiate.

b. Equitable relief is asked at the hands of this court because the Commonwealth's attorney failed to do his duty. It is submitted that this attorney is a public officer, and that if he <sup>e</sup> failed to discharge his <sup>n</sup> duty, by reason of which failure the people are injured, they have their remedy on his official bond.

c. This court is asked to take cognizance of this case because the county court has used in the construction of this road a part of another road. You are told that this is an alteration in an old road, and that for this reason the county court had not jurisdiction. This cannot be, for if it were an alteration, some part of the road altered would be abandoned, and a new route obtained. But this is not the case. The old road is where it always has been so far as this new road is concerned, and it cannot with tenability be claimed that any change is made in the site of the old road whatever.

d. Next in order in the bill this court is asked to give relief, because some attorney refused to name his client. All that is submitted in answer to this is that the request was not made until the court had established the road, then some parties appeared by counsel and asked to be heard do and say certain thing which had no connection with the case at that stage, therefore there was no need for a disclosure of clients. See Code sec. 956. See "A5."

e. The complainants say that they took an appeal as of right, and they ask this court to so consider this case. Sec. 3453 of the Code 1887 says that appeals of this nature must be taken during the term at which the order is made of which the party complains. This the complainants did not do as will appear by the affidavit of the Judge of the court which



made the order of which these complainants complain. (See "AA"). Hence it is submitted that the prayer is a failure at this point.

The complainants say that the court cannot sit to try its own motions when they become litigated. It is submitted that there is no applicability of this allegation at this point because there was no litigation of this question at any time until the case was decided by the county court. All that was done was to investigate the propriety of the establishment of this road by the court. No one made any defence as might have been done. On the <sup>22<sup>nd</sup></sup> day of July, '93, <sup>(See "A8")</sup> the court decided in favor of the establishment of the road, and in the process of investigation having ascertained that the cost of the same would be more than \$30 he certified the probable cost to the Supervisors as by law required. There was then nothing more left for the county court to do, sec. 956 of the Code says that unless two thirds of the board be against the establishment of the road, the county court shall order the order the road opened. At this point on the 27th day of Nov., 1893, we find other parties, who have never been known in the case before, asking to be heard. ( see "A5". ) To be a litigation in the sense here meant by the complainants there must be two parties, but there was but one, if indeed any at all, until after the court had disposed of the matter.

57 It is submitted that it is shown by the sworn answer and the exhibits filed therewith that this road is one of public importance, and that of more than ordinary importance, -and that the damage to the public is at least \$10.00 per day. If the court can treat the defendants as trustees for the county, it is insisted that a decree be rendered for damages at the rate of ten dollars per day, and that the injunction be dissolved with costs.

Wm A. Orr,

E. W. R. Ewing,

For Defts.



Jeff Pennington, et al.  
Vs. { Brief for Deft.  
B. F. Sneed, et al.



I A.B. Mursey State that I was present  
in October 1893 when the board of Supervisors  
met and voted on the road from Jonesville  
to Ocoonita there was four of the board  
present to wit; H. L. T. Richmond, J. H. Smith  
S. S. Surgenor and John T. Hughes

Surgenor and Richmond voted for the \$58800  
right of way the other two voted against  
it ~~but~~ at that time I think I noted it  
down on a slip of paper and filed it with  
the warrant Book but said paper was not  
seen and inspected by the board or its Chair-  
man, I have examined <sup>that was presented to</sup> a paper in the hand  
writing of Wm A Orr dated Oct the 7th 1893  
and on file with the law case of the road case  
referred to and that paper was not made  
out on the day of the meeting of the Supervisors  
referred to and that ~~is~~ <sup>is</sup> not the paper made  
out by me at the time above referred to

no was such paper made out so far as  
any knowledge I have, I considered I was  
acting as the Clerk of the board at that time  
being requested to do so by the County Court Clerk.

A.B. Mursey

Sworn to before me Dec 21/93  
D. V. F. Richmond Sec



Know all Men by these Presents, That we *Benf Sneed, Jeremiah Daugherty, W. H. Burgin, Sam Bolin & D. C. Sewell*,  
are held and firmly bound unto the Commonwealth of Virginia, in the sum of *one*  
*Thousand* dollars, to the payment whereof, well and truly to be made to  
the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs,  
executors, and administrators, jointly and severally, firmly by these presents. And we hereby  
waive the benefit of our homestead exemptions as to this obligation, and any claim, right, or  
privilege to discharge any liability arising under this bond in any currency, funds, counter claims  
or offsets other than legal-tender currency of the United States. Sealed with our seals, and  
dated this *6th* day of *December* one thousand eight hun-  
dred and *Ninety three*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound *Benf Sneed*

on *their* bill in Chancery against *M. C. Miles & C. C. Blanpension, & Jeff Pennington, Superintendants of the Jonesville & Frank Road*

addressed to the Judge of the Circuit Court of the County of Lee, has obtained from the said  
Judge an injunction to injoin and restrain *The Defendants from proceeding to warn or work the Plaintiffs upon the proposed road*

until the future order of the said court; and whereas it is provided, by the order of the said Judge  
awarding the said injunction, that the plaintiff shall not have the benefit thereof until *they*  
, or some one for *them*, shall enter into a bond, with good security, in  
the clerk's office of the said court, payable to the Commonwealth of Virginia, in the penalty of  
*One Thousand* Dollars, and conditioned to pay all such costs as may  
be awarded against the said plaintiff, and all such damages as shall be incurred in case the said  
injunction be dissolved. Now, therefore, if the said *Benf Sneed et al*  
shall pay all such costs as may be awarded against, and all such damages as shall  
be incurred in case the said injunction be dissolved, then this obligation to be void, or else to re-  
main in full force and virtue.

Executed in the presence of

*Benf Sneed* [SEAL.]  
*Jeremiah Daugherty* [SEAL.]  
*W. H. Burgin* [SEAL.]  
*L. C. Roof* [SEAL.]  
*S. H. Bolin* [SEAL.]  
*D. C. Sewell* [SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day personally appeared before me A. B. MUNSEY, Clerk of the Circuit Court of  
the County of Lee, *The above obligors*  
and made oath that *their* estate, after the payment of all *their* just  
debts, and those for which *they* are bound as security for others, and expect to have to pay  
worth the sum of *Twenty thousand & six hundred* dollars,  
over and above all exemptions allowed by law.

Given under my hand this *6th* day of *December* 189*3*.

*A copy Teste* *J. A. G. Hyatt, D* Clerk.  
*J. A. G. Hyatt & clk*



*Beng Smedetal*

to {

INJUNCTION  
BOND.

Commonwealth.

*Executed & filed  
Decr. 6<sup>th</sup> 1893*

*A. B. Munsey C*

*copy 30¢*



Premington Gap, Va  
Virginia

Lee County, Va.

I, Alf Byatt, a Notary  
Public in and for the County and  
State aforesaid do hereby certify that  
E. H. Premington this day personally  
appeared before me in my County  
aforesaid and made oath that  
he was at the time the matter  
of allowance by the Board of  
Superior was being considered  
by said Board in the case then  
pending in the County Court of Lee  
County for a new road from  
Jonesville to Cranberry, Common-  
wealths Attorney for Lee County;  
that at the time said Board  
certified an allowance for the  
construction of said road he was  
not present, nor did he know  
or have any knowledge or notice  
of the time and place of the  
meeting of said Board.

Given under my hand this  
the 23<sup>rd</sup> day of December 1893

Alf Byatt  
Notary Public.







"*L*"





Jonesville April 30 1891

To the Committee on Construction of a Highway to Connect Jonesville with  
Crankes Station

Gentlemen

Under instructions from Mr. O'Brien, Chf. Engr. of the Cumberland Valley Branch of the L. & N. R.R., I have run a grade line between Crankes and Jonesville to indicate where a highway, connecting these two points, can be located and herewith enclose a sketch of the locality which may aid in explaining same.

The Jonesville end of this line is at the north boundary of Mr. Pridemore's Orchard at a point where his pipe line enters the same. Thence it runs northwesterly with a level grade 1000 feet

" following the contours of the hill with a 2% descending grade to a crossing of the Town Branch near Mrs. Woodward's house	2500 "
" following present Highway with an average ascending grade of 2%	5750 "
" following the contours of the hills to a gap in Chestnut Ridge with an ascending grade of 7%	2300 "
" following the contours of the hill into Sugar Run with a descending grade of 7%	1500 "
" westward in Sugar Run with a level grade	900 "
" northward across " " " " 7% descending grade	500 "
" " " " " " level grade	500 "
" " " " " " an 8 3/4% descending grade	500 "
" following the contours of the hill northwesterly to a gap in Poor Valley Ridge with a 7% ascending grade	5600 "
" following the contours of the hill into Poor Valley with a 7% descending grade	5400 "
" Crossing the railroad at John Partridge's and following westward along same to Crankes Station Grounds (Depot)	1300 "

This makes a total length of 5 1/4 miles of which

3700 ft.	has a level grade
5750 "	" " 2% ascending grade
2500 "	" " 2% descending "
7900 "	" " 7% ascending "
7400 "	" " 7% descending "
500 "	" " 8 3/4% ascending "

The 2% grade is hardly perceptible in a wagon road. The 7% grade is the same as a 4 degree grade which is a degree less than the limit fixed by law. The short piece of 5 degree or 8 3/4% grade, the limit fixed by law, was put in to avoid badly cutting up some cultivated fields, belonging, I believe, to Mr. Hamlin.



To take advantage of the full limit of the law and adopt a 5 degree grade would shorten the line very nearly 1300 ft. or a quarter of a mile. making the entire length almost exactly 5 miles. But it was thought the benefit gained thereby would be less than that derived from a lesser grade.

The grades are very much less than the average of your county roads as now existing.

I would advise changing the present highway to avoid the bad creek and hill near Mr. Sprinkles house.

The highway between John Pennington's and Cranks has already been constructed by the Railroad Co.. This leaves 20750 ft. of new road to be built. A part of this is easy of construction and will cost but little.

A rough estimate would put the material to be moved to make a 12 ft. roadbed on solid ground at 10000 Cub. Yds. This, with the gratuitous labor you ought receive from abutters and others interested, should be reduced at least one half and the remainder handled for 15¢ per yard or a total cost of \$7500.00 exclusive of right of way.

Blazed stakes are set every 100 ft. except in present highway to indicate where the grade strikes the ground. except in a very few cases where following the contours of the ground would make unsoundy grade in the road. At these points the stakes are marked with the cut or fill required at those points.

Rpt Submitted L.A. Nichols



"A."

---

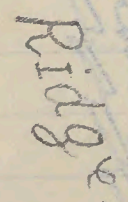
Michael Perry  
&  
Plat

---



Ridge

Poor Valley



L. L. Elliott, Secy

Meridian

Chestnut



N  $81\frac{1}{2}$  W  $5\frac{3}{4}$  poles to a Stake N  $71\frac{1}{2}$  W  $1\frac{1}{2}$  poles to a Stake N  $15$  E  $3$  poles to a Stake  
 N  $36\frac{1}{4}$  W  $8$  poles to a Stake N  $31\frac{1}{2}$  W  $4$  poles to a Stake N  $38\frac{1}{2}$  W  $4\frac{1}{2}$  poles to a Stake  
 N  $8$  E  $1$  poles to a Stake wind at this point S  $35$  E  $4$  poles to a Stake S  $59$  E  $4$  poles  
 to a Stake S  $53\frac{1}{2}$  E  $5$  poles to a Stake S  $54$  E  $5$  poles to a Stake S  $50$  E  $4\frac{3}{4}$  poles to  
 a Stake S  $50\frac{3}{4}$  E  $3$  poles to a Stake S  $73\frac{1}{2}$  E  $4\frac{3}{4}$  poles to a Stake S  $12\frac{1}{2}$  W  $4$  poles to  
 Stake S  $71\frac{1}{2}$  E  $4$  poles to a Stake N  $55$  E  $3$  poles to a Stake N  $71$  E  $3$  poles to a Stake  
 S  $60$  E  $4\frac{1}{2}$  poles to a Stake S  $56$  E  $2\frac{1}{4}$  poles to Station 12+ on Nichols Survey  
 on the Poor Valley Ridge. Thence with his Survey  $72\frac{1}{2}$  poles to the  
 Top of Bald Ridge, all of which is Respectfully Submitted  
 This the 13 day of Oct. 1891.

L. L. Elliott Survey

L. L. Elliott fee

2 days Surveying \$5.00

1 " Diagraming " 2.50

Am't \$7.50

L. L. Elliott  
 Surveyor

El.



# Louisville & Nashville Railroad Co.

Office of Agent.

Station

189

We, the undersigned Citizens of Lee Co, Va., believing it to be to general interest; that the proposed road, leading from the Sugar Run road near Champ. Hambleu's dwelling house, previously surveyed to Occovita, Va. - a part of which having already been built by Jeff Pennington & others, agree to complete said road (or to pay amt. subscribed towards its completion) provided right-of-way is secured. Said road (if completed) is to become personal property and to belong to the parties so building the same, in proportion to the duration of each. The proposed road is to be made <sup>on a grade</sup> not to exceed 5 degrees and 12 ft. in width, widened at reasonable distances sufficient for the passage of teams.

Road is to be made within 80 days after meeting of stock-holders, which meeting is to take place at ~~Hambleu's~~ Va. on Sept 1st 94

The entire length of road is about 2 miles 1/2 mile of which is already built 16 ft. in

width the remaining 1 1/2 miles is to be made but 12 ft at present.

Subscriptions may be paid in labor at one dollar per day, in produce at market value, or in cash or supplies.

Names

Names

H. F. Lendingham \$5.00

James Pennington 5.00

John Henderson 4.00

J. A. Hyatt 2.50

G. M. Blankenship 1.00

W. A. Baker 1.00

A. R. Hyatt 1.00

W. R. Snodgrass 1.00

D. H. Russell 5.00

J. B. Bergan 2.00

R. L. Bolin 2.00

25.50



Proposed Road  
From  
Occovita Va  
To  
Sugar Run, Va



*Louisville & Nashville Railroad Company.*  
*Cumberland Valley Division.*  
*Office of Superintendent*

*Middlesborough, Ky.*      October 5th, 1893.

Mr. H. C. T. Richmond,

Ewing, Va.

Dear Sir:-

1752.

In order that you may thoroughly understand the conditions confronting Maj. O'Brien with reference to location of depot at Ben Hur, Cranks and Pennington, I attach hereto a pencil memo. showing that if Ben Hur could have been used a saving to this Company in the beginning would have amounted to \$6,650.00; to this add the saving of maintenance of water station at Pennington of approximately \$50.00 per month, and The expense of maintaining Cranks and Pennington (two stations) as against Ben Hur (one station), the interest on buildings, sidings, etc., as well as taxes on same. One stop at Ben Hur (if it had been possible) would have sufficed for two for freight trains and three for passenger trains as now in vogue; the depots would have been sufficiently near to each other then for all business now or that has been transacted at stations established and operated. The location of Ben Hur with reference to grades and curves was the objection that Maj. O'Brien as a practical builder and operator of railroads saw could never be overcome; situated about half way on a 7 mile hill with an average grade of 96 feet to the mile, between two ten degree curves, it was enough to convince him, or any other man of any experience in the service, that the cost would be immense, to say nothing of the great danger of attempting to operate such a station. Furthermore, no team in Lee County could to-day haul one thousand pounds from the main road near Mr. Snead's residence to Ben Hur, and I seriously doubt the possibility of the construction of a much better line than now exists. To this one must take into consideration the hill between Mr. Snead's and Jonesville. I understand this can be overcome by the proposed Cranks-Jonesville road. Maj. O'Brien was advised by what he considered a majority of the people doing business in Jonesville, and by the County officers that Cranks would be acceptable to them as the county seat depot; and acting on this he erected depot, sidings etc. to accomodate them there. The stop at Ben Hur for passengers can be accounted for as stated to you in person recently.

YOU CAN SAY TO THE COUNTY COMMISSIONERS THAT UNDER NO CIRCUMSTANCES WILL THIS COMPANY EVER OPEN FREIGHT STATION AT BEN HUR, and that it is quite probable that Ben Hur, if a change is not made from the present arrangement, will be discontinued as a passenger stop. By this I mean if the road is not constructed to some other point. Gen. Pridemore uses the location of Kelly View as an argument against



closing Ben Hur, but two wrongs does not make a right, besides Kelly View is not on so heavy a grade nor on such curves. We have had more trouble at Kelly View than at any other point on the line between Shawanee and Norton. In attempting to make a stop there when the road first opened, 14 cars were wrecked and serious loss resulted to this Company. In addition to this, derailments are frequent going in and out of there. We don't want any more Kelly View stations and will not have them. Against Ben Hur you can use Railroad Commissioner Hill, who was shown in person the situation and agreed that he could not conceive of a worse location. Gen. Pridemore attempted to force us to open Ben Hur, as I understand it, but struck a snag in the Commissioners; at least after Mr. Hill made an examination we heard no more from him.

Yours truly,

Enc.

*Thos. Pridemore*  
Supt.



Against Ben Hur

Depot Siding & Co. Approximately \$5500.  
Tank 750  
\$6250

The hill and Curves making it impossible  
to stop with any degree of safety.  
besides very costly.



## For Ben Hur

Gravity water supply - saving annually,	<u>60000</u>
Pinnington Pump & tank houses -	1100.00
" " " Textures	350.00
" " " " " " " " " "	7750.00
Cronko " " " " " " " " " "	<u>3700.00</u>
	<u>\$12900.00</u>

Less Against Ben Hur	625000
In favor of Ben Hur	<u>\$6650.00</u>

To this should be added Cost of <sup>Maintenance</sup> of one additional Station, Water Station \$600. per year. Cost Maintenance one additional yard, and one additional stop for all trains



Laiston  
Letter

46

Jeff Pennington et al  
ad & filed in Ans  
Benj. Lund et al



*Louisville & Nashville Railroad Company.*  
*General Manager's Office Louisville, Ky.*

*J. G. Metcalfe,*  
*Genl. Manager.*

July 17, 1893.

Wm. A. Orr, Esq.,

Attorney at Law, Jonesville, Va.

Dear Sir,-

Your letter of the 28th. ult. was duly received and  
reply has been unavoidably delayed.

You are correct in your understanding that the L. & N.  
Railroad Co. does not intend to establish a freight station at  
Ben Hur. The management is of opinion that there is no  
necessity for a freight station at this point, and the grade in  
that vicinity is such that, for the purpose of operation, a  
freight station at Ben Hur would be very objectionable.

Yours truly,

*J. G. Metcalfe*  
General Manager

*J. W. Logsdon*  
*Supt*  
*Middleboro, Ky.*

Copy

J. W. L.







Jonesville & Ocoona Road  
Nichols & Elliott's Survey

---



1 To the Hon. James H. Orr, Judge of the county  
2 court for Lee County, Virginia:

3 The undersigned viewers, appointed at the  
4 term of your honor's  
5 court, 1890, for the purpose of viewing out  
6 and reporting upon a route for a new  
7 road from Jonesville to some station  
8 on the Louisville and Nashville Rail-  
9 road, <sup>and to whom a former report was submitted,</sup> having finally completed their  
10 view and determined upon a route,  
11 beg leave to here respectfully submit  
12 their report:—

13 We adopt the present county road,  
14 as located and established, from the  
15 courthouse up the Town branch to  
16 the foot of the Chestnut ridge to a  
17 point marked "X" on a plat herewith  
18 filed marked "A"; from said point "X"  
19 on said plat to John Pennington's, we  
20 recommend the establishment of a  
21 new road on the following route: from  
22 said point "X" with the contours of the hill  
23 to a gap in Chestnut ridge with an  
24 ascending grade of 7%, a distance of  
25 2300 ft; Thence following the contours  
26 of the hill into Sugar Run with a descend-  
27 ing grade of 7%, a distance of 1500 ft;  
28 Thence westward in Sugar Run with a  
29 level grade, a distance of 900 ft; Thence  
30 northward across Sugar Run with  
31 a 7% descending grade, a distance of  
32 500 ft; Thence northward across Sugar Run



1 with a level grade, a distance of 500 ft;  
2 thence following the contours of the hill  
3 northwesterly to a gap in Poor Valley  
4 ridge with a 7% ascending grade, a  
5 distance of 5600 ft; thence following the  
6 contours of the hill into the Poor Valley  
7 with a 7% descending grade for a dis-  
8 tance of 5400 ft; thence crossing the rail-  
9 road at John Pennington's and into the  
10 present county road, which we adopt  
11 from thence on to Crank station.

12 This route makes a total distance  
13 of  $5\frac{1}{4}$  miles between Jonesville and said  
14 Crank station, and at no point is  
15 grade greater than  $5^{\circ}$  and only that  
16 great a degree for the short space of  
17 500 ft. The total length of new road  
18 to be built on this route is only  $3\frac{1}{4}$  miles,  
19 which is not more than one-half the  
20 distance on any other route leading to  
21 said station, and slightly over one-third  
22 the distance between the courthouse and  
23 the next nearest railroad station.

24 This route passes through no yards,  
25 gardens, orchards, or any part thereof,  
26 and said road, if established, would  
27 be of great convenience not only to the  
28 people living in and around Jones-  
29 ville and vicinity and along its route  
30 between Jonesville and said Crank  
31 station, but to the people of the county  
32 in general and those seeking ingress



1 and egress to and from the county seat  
2 via the nearest railroad station.

3 We think this road a public necessity,  
4 of convenience to the people of the whole  
5 county, and should be constructed  
6 at the expense of the county, and  
7 that as soon as possible. A plat  
8 of said route is herewith filed marked  
9 "H" and prayed to be considered as  
10 part of this report.

11 The following is a list of the names  
12 of the land owners along the route from  
13 the point "X" on said plat to Crank station:  
14 Swan & Elabe Hamblin, Ambros Eagle,  
15 Wright Stickley, Angeline Woodward,  
16 Champ T. Hamblin, Geo. H. Russell,  
17 and John Pennington. All of these  
18 land owners require compensation  
19 except John Pennington, who proposes  
20 to construct said road, if established,  
21 to the top of the Poor Valley ridge from  
22 his house free of cost.

23 We are of opinion, and so report  
24 to your honor, that said land owners  
25 are entitled, as damages to their lands,  
26 by reason of the construction of said  
27 road, to the respective sums set opposite  
28 their names:-

29	Swan & Elabe Hamblin,	\$15.
30	Ambros Eagle,	\$25.
31	Wright Stickley,	\$15.
32	Angeline Woodward,	\$25.



1 Champ T. Hamblin, \$300.

2 Geo. H. Russell, \$25.

3 We have reported to your  
4 honor that on this route there would be  
5 not over  $3\frac{1}{4}$  miles of new road to con-  
6 struct, and that said John Pennington  
7 had proposed to construct said road  
8 from his house to the top of the Poor Valley  
9 ridge which is 5400 ft. If said Pen-  
10 nington should construct said 5400 ft.  
11 of new road then there would only remain  
12 to be constructed at public expense the  
13 distance from the point "X" on said plat  
14 to the top of the Poor Valley ridge, or a  
15 tance of less than  $2\frac{1}{4}$  miles. In our  
16 opinion \$500 would be a sufficient  
17 sum, after procuring the right of way  
18 to construct said road and put it  
19 in good travelling condition.

20 We would represent unto your honor  
21 that before coming to a final determination  
22 upon the route as above reported, we  
23 viewed other routes and had different  
24 surveys made, but said route, as ~~above~~  
25 reported, on account of its nearness,  
26 superior grade, and cheapness of con-  
27 struction is far commendable to any  
28 of the other routes thus viewed by us.

29 There is not a road in the county  
30 needed as badly as this; there is not  
31 a road in the county that would be of  
32 such general convenience to the



1 public as this, and we therefore res-  
2 commend that it be established.

3 All of which is respectfully sub-  
4 mitted, this May 1, 1892.

5 A. M. Gains.  
6 J. A. S. Hyatt } Viewers.  
7 J. O. Gibson.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32



Report of

J. A. G. Hyatt & Co.

Road Viewers.

Plat "A" Enclosed.

Filed May 6 - 1892

J. B. Wilson Secy.

1892 May term Land Owners.

2d. 247.

1893 Mr Land owners

Summ'd, O.B. 548

Apr Report Accom'd.

O.B. Page 557

May 17 Com. Supplemental  
report filed & Sum. L. O.

O. Book 590.

1893 June Order O.B. Page

1893 July Arace established  
Order Book P 57

J. A. G.

1892

J. B. Wilson



Jeff Permington et al

v.

Champ J. Hamblin et al

(Application  
for a  
Road)

But remembered upon the  
calling of this cause its  
applicant, moved the Court  
to enter an order, to proceed  
with the work, and to ap-  
point superintendents, and  
assign overseers with list  
of hands to do the work.

Code 1887 Sec. 954.

To which motion R. S. Sprinkle  
Benjamin Sneed and A. L.  
Parker appeared and re-  
sisted said motion

1 Because the proposed road  
was an alteration and change  
in an old and existing  
road and the Court had  
no jurisdiction, to make said  
change, and hence no power  
to submit the question of  
costs as provided by the General  
Road Law. See act of 1891/1892  
Page ~~54~~<sup>885-886</sup> - See. 21



But the Court overruled the  
objection and entered up the  
following order. Virginia  
Lee County" &c (here insert the  
last order)

So which action of the  
Court the defendants to  
said motion except and  
may thus their exception to  
be signed read and made  
a part of the record which  
is done.

James H. Orr. (JH)



Be it remembered upon the  
calling of this Cause and  
pending the objection to the  
Court's action the pliffs to  
maintain the motion upon  
their part offered to read  
to the Court the following  
paper at a meeting &c  
(Here insert the paper viz  
John R. Gibson's hand write)

To the reading of which on the  
contents thereof as spread  
upon the order Book of the  
Supervisors the defendant  
to said motion objected

Because the same had been  
made out by the said Gibson  
acting as Deputy Clerk  
after the Board had adj-  
ourned & gone home and  
the same had never been  
seen or inspected by the said  
Board or approved by them  
and the same did not con-  
tain the full order of the  
Board a verbatim announced  
and had only been copied  
on said order Book on the  
morning of the day of trial  
viz Oct 21 1893 - But the  
Court over ruled the objection



and permit said paper to  
be read and said record  
to be considered by the  
Court - after the Clerk had  
stated that he entered said  
order on the record from  
the paper made out by  
said Gibson his deputy,

to which action of the Court  
the defendant to said  
motion except and pray  
that these exceptions be  
signed read and made  
a part of the record which  
is done.

James W Orr (Se)

Bill Exceptions

Bill Exceptions



(No 1)

On the <sup>Order</sup> motion of the County  
Court of Lee County to  
establish a new road  
from Jonesville in said  
County, Occoveta in said  
County

Be it remembered <sup>that</sup> the  
~~Calling of this Cause, on the order~~  
~~of the Circuit Court remanding the~~  
~~Cause to this Court, the former ap-~~  
~~pellants A. R. Pickens, Benj. Sneed~~  
~~and R. S. Sprinkle moved the Court~~  
to dismiss the Cause & strike the case  
from the docket <sup>because</sup> there was no  
applicant for the same, but the order  
was made upon the motion of the  
Court, and because as they alleged  
and offered to prove, that said pro-  
posed new road is not a new  
road but a change or alteration  
in an old road now running  
from Jonesville in Lee County to  
Cranks new Occoveta, and that said  
Court did not have jurisdiction  
of alterations in old roads - and  
because the action of the Board of  
Supervisors ~~was~~ appropriating  
the sum of \$500 <sup>00</sup> on the former order  
of this Court was illegal and void  
But the Court overruled said  
motion, and ~~would not have~~  
~~the same,~~

the former appellants from an order of this Court for the opening of the new road  
and finally to Occoveta, this day



To which action of the Court said former  
appellants except and pray this  
their exception to be signed sealed  
and made a part of the record  
which is done.

James H Orr. (209)

Bill of exceptions  
no 1

Crunk's Road Case



Virginia.

At a County Court Continued and held for  
Lee County, at the Court house thereof on Tuesday  
the 27th day of November 1893.

*Order 1.*  
This day came A. L. Prodemore, Benj. Sneed, &  
R. S. Sprinkle, who were appellants from an order of this  
Court at its last term to the Circuit Court of this County  
in the matter of making and opening a new road  
lately established from Jonesville to Oconita, and  
moved the Court to dismiss the proceedings in regard  
to said road and strike the same from the docket,  
because there was no applicant for said road,  
the order for a review of the same having been  
made by the Court; and because, as they alleged,  
and offered to prove, the said new road is not a  
new road but a change or alteration in an old one,  
and because the action of the Board of Supervisors  
appropriating the sum of \$585.00, on the former  
order of this Court, was illegal and void, but  
the Court overruled said motion, to which  
action of the Court the said Prodemore,  
Sneed & Sprinkle excepted and tendered  
their bill of exception which was signed  
and sealed by the Court and made a part  
of the record in the cause.

And the said persons thereupon asked  
a suspension of the <sup>in regard to said road</sup> matter, until an  
appeal is taken herefrom, but the Court  
being of opinion that the said persons  
are not entitled to said suspension refused  
the same.



A. L. Sidemore, et als

Order to L.

Crank's Road,

Enter this order.

Jas W Orr,  
Nov 27/893.



MO 2

On the order of the  
County Court ex parte  
To establish a new  
road from Jonesville to  
Is Crunk's new Occochee

Be it re-  
membered that on the calling of this  
Cause, on motion to order the work  
to proceed, based upon the order  
of the Board of Supervisors in the  
work & figures following to wit  
("At a meeting" &c) (here insert the order  
acting on the County recommendation)  
A. L. Pickens, Benj. Sneed, L. S.  
Sprinkle, L. C. Roop, S. H. Berlin  
John Sneed, John Sprinkle and  
Harvey Sprinkle, <sup>tax payers of</sup>  
this County, and Citizens of the  
County, <sup>at this day</sup> moved the Court to allow  
them to appear and contest the  
order, <sup>made on a former day of this term</sup> approving of the expenditure  
of \$585. by the County of Lee as  
set out in said order; because  
the same was not adopted by  
said Board <sup>of Supervisors of this County</sup> by a recorded vote,  
and because the County Court had  
no jurisdiction of said Cause. But  
the Court over ruled said motion  
and refused to allow the said por-  
ties to <sup>repeal said order and contest the same.</sup> be made defendants  
or to submit said motion. To  
which action of the Court the.



said persons excepted and prays  
that their exceptions to be signed  
sealed and made a part of the  
record which is done.

James H. Orr.

(Seal)

Bill of exceptions

No 2

Crunchy Road Case



Virginia,

At a County Court Continued and held for Lee County at the Court house thereof on Tuesday the 27th day of November 1893.

This day came A. L. Bridemore, Benj Sneed, R. S. Sprinkle, L. C. Roof, S. H. Bolin, John Sneed, John Sprinkle & Harney Sprinkle, tax payers of this County and citizens of the County, and moved the Court to allow them to appear and contest the order, made on a former day of this term, approving of the expenditure of \$585.00, by the County of Lee, as set out in the order of the Board of Supervisors of this County, because the same was not adopted by said Board by a recorded vote, and because this Court had no jurisdiction of the matter. But the Court overruled said motion and refused to allow the said persons to reopen the matter contained in said order and contest the same. To which action of the Court the said persons excepted and tendered their bill of exceptions which was signed, sealed and made a part of the record in the cause. And thereupon the said persons ~~moved~~<sup>asked</sup> the Court to suspend further proceeding in regard to said road intending to appeal herefrom, but the Court being of opinion that these persons are not entitled to such suspension <sup>upon the grounds here claimed</sup>, and that the work on said road should proceed, refused to make such suspension.



A. L. Widemore & Co

Order No 2.

Frank's Road

Enter this order.

J. W. Orr  
Nov 28th 1893.



Virginia.

At a County Court Continued and held for Lee County at the Court house thereof on Saturday the 22nd day of July 1893.

The matter of the establishment and Construction of a wagon road from Jonesville to some Station on the L. & N. Rail Road came on again to be further heard upon the report and supplemental report of J. A. G. Hyatt, A. M. Goins and J. O. Gibson Viewers, filed May 6th 1892, and May 17th 1893, respectively, and the plats and diagrams "A" & "B" filed therewith, and the evidence heard at the last term, and upon the report of C. B. Blankenship, J. N. Bridlin, W. C. Isely & E. S. Woodward, Commissioners, filed July 4th 1893, and said reports being unexcepted<sup>to</sup>, and it appearing to the Court from said reports, and the evidence heard, that said road, if established and made, will be a public convenience, and it further appearing from said reports, and the evidence, that the Elliott Survey is preferable to the Nickels Survey as an entirety and that said Viewers have adopted the present road from Jonesville to the point X on plat "A", being a point in said road at or near the foot of Chestnut Ridge, and recommend the Construction of a new road from this point to John Pennington's near Crank's Station on said Rail Road, and then adopt the present road from said Pennington's a short distance, to said Station. It is therefore



considered by the Court that said proposed <sup>new</sup> road  
be and is hereby established, thirty feet wide,  
as located by said Viewers on the Nickels Survey  
from the point "X," in said Survey, to the top of  
Chestnut ridge, and thence with the Elliott Sur-  
vey to where the same intersects the Nickels Sur-  
vey at Station 12 on Poor Valley Ridge, and ~~thence~~  
with the said Nickels Survey to John Pennington's,  
and the said reports, plats &c of said Viewers and  
~~report of said~~ Commissioners are, in this respect, and to this extent  
confirmed, and the said report of C. C. Blankenship  
& others, Commissioners, is also confirmed in the  
ascertainment and assessment of damages  
to the land owners along the route hereby estab-  
lished. And the Court being of opinion that by  
the use of a reasonable amount of labor by  
Overseers of roads and their hands, in the vicinity  
of said new road, that the amount necessary  
to be expended, in money, by the County, in comple-  
ting the construction of the same, can probably be  
reduced to \$1200<sup>00</sup>. It is therefore further ordered,  
subject however to the action of the Board of  
Supervisors of this County, that the sum of  
\$1200<sup>00</sup>, or so much thereof as may be necessary,  
be expended in making and opening said road,  
and that the sum of \$585<sup>00</sup> be paid to the land  
owners as reported by said Commissioners, and  
that these sums be certified to said Board for



their determination as to the propriety of such expenditure. And until the action of said Board in regard thereto is certified to this Court the Cause is Continued.

Land Owners & C

Court allows or not & C



Road to Crauks.

Order.

Enter this Order.

J. M. Orr.  
July 22<sup>nd</sup> 1893

Sanitary 12<sup>nd</sup> 1893



Virginia: At a Circuit Court Continued and held for Lee County at the Court House thereof on Saturday the 18<sup>th</sup> Novr 1893.

B. F. Smith et al      Appellants  
vs

vs      An and  
Jefferson Cunningham et al      Appellants      Appeal  
from an order of the County Court establishing a new road and assigning lands to work thereon, entered Octo. 23<sup>rd</sup> 1893.

This day came the parties by their attorneys, and the appellants moved the Court to reverse the said order of the 23<sup>rd</sup> Octo. 1893 and was argued by Counsel, and it appearing to the Court from an inspection of the said record submitted, that there was pending an appeal from the Board of Supervisors of the 7<sup>th</sup> October 1893 allowing the money necessary to pay the land owners the damages assessed, which appeal the County Court failed to consider and dispose of before entering the order appealed from in the Case. It seems to the Court here, that the Court should dispose of the appeal from the Board of



Supervisors, before disposing of the road case. It is therefore considered by the Court, that the said order of the County Court be annulled and the Cause remanded to the County Court, with directions to dispose of the Appeal from the Board of Supervisors aforesaid before proceeding to pass upon the road case, and that the Appellants recover against the appellees their costs in this behalf expended, and the same is ordered to be certified back to the County Court

A Copy

Teste J. A. Hyatt & Co



New Road from  
Jonsville to Grants  
Order Civil Court

---



Virginia: At a County Court Continued and held  
for Lu County at the Court house thereof, on  
Friday, October 11<sup>th</sup> 1889.

It is ordered that A. L. Pridemore, M. D.  
Richmond, J. W. Orr, H. C. Joslyn and J. A. A.  
Hyatt, who have power to associate with  
them one or more competent Engineers, be  
and are hereby appointed viewers to view,  
and locate, a new road from Joursville to  
the nearest Depot on the L. & N. Rail  
Road near E. M. Cunnington's Store, said  
road to be 30 feet in width and  
dug and cleared 18 feet wide and  
not over 4 degrees in elevation and  
they are required to report to Court  
according to Law.

A copy                      Lists

Virginia: At a County Court Continued and held  
for Lu County at the Court house thereof on  
Thursday, December 4<sup>th</sup> 1890.

It appearing to the Court that an Order  
was entered at the last October term  
of this Court 1889 appointing A. L.  
Pridemore, M. D. Richmond, J. W.  
Orr, H. C. Joslyn and J. A. A. Hyatt



viewers to view and locate a new road from Jorusville to the nearest depot on the L. & N. Rail Road, and that since said order, and before said viewers had acted M. D. Richmond departed this life and James M. Orr became Judge of this Court and therefore can not act. It is ordered that A. M. Lewis & James O. Gibson be and are hereby appointed viewers in the room and stead of said Richmond & Orr, who together with the other three viewers will perform and discharge the duties required by said Order entered at the said October term of this Court

A copy - Test -



Louisville & Clermont Road

Grass 1889-90



The matter of the Construction of a wagon road  
from Jonesville to some Station on the L. & N. R. R.  
Came on again to be further heard upon the reports  
of J. L. Hyatt, A. M. Gains & J. O. Gibson Viewers,  
and the land owners all having been duly summoned  
to show cause against the establishment of said road  
~~upon one of the routes~~ to Grants, a station on said Rail Road,  
upon one of the routes reported on by said  
Viewers, thereupon said land owners appeared,  
and the Court proceeded to hear evidence as to the  
propriety or impropriety of establishing said road upon  
one or the other of said routes, and the said land  
owners ~~appeared~~ <sup>appeared</sup> and claimed damages as follows:  
C. S. Hamblen \$2000 - if the Nichols survey should be  
adopted, but nothing if the Elliott survey was adopted.  
G. W. Russell \$500 - on the Elliott survey but nothing  
on the Nichols survey, Susan & Elsie Hamblen \$50 -  
on the Nichols survey, unless a change was made so  
as to give them access to water & in that event  
\$25 each, Ambers & Ag <sup>any said survey</sup> \$25 - Angeline Woodward  
\$25 - and Wright \$50 both on Nichols survey and  
John Pennington no damages, and the Court after hear-  
ing such evidence as was produced, being unable  
to satisfactorily determine <sup>at this time</sup> whether or not said road  
should be established on either of said routes, seeing  
to the evidence ~~to not~~ being sufficiently clear as to  
the probable ~~expense~~ <sup>cost</sup> of making & opening said  
road, and the ~~amount~~ <sup>amount</sup> of damages  
claimed by the land owners, doth order that H. B. Selwyn,  
C. E. Blankenship Sr., E. S. Woodward, C. E. Elliott & J. K. Criddle  
being disinterested free holders of the county, be and they  
are hereby appointed Commissioners for the purpose  
of ascertaining a just compensation for the land <sup>its</sup>  
of each of said land owners, who claim damages <sup>proposed</sup>  
to be used for said road. Said Comrs will meet  
on the lands of said land owners on the 3rd day of July  
1893, and perform their duties as such Comrs according  
to Section 951, of the Code of Va. edition of 1887, and report



their action to this Court at some future term,  
according to law. And to assist the Court in  
further determining this matter they will  
estimate as nearly as they can, & report the  
probable cost of constructing said road on  
each of said routes: ~~in case the same should~~  
~~be constructed entirely by a money expenditure~~  
~~and~~

Respectfully Obedt

Order

E. S. Woodward

E. L. Blackwelder

E. B. Elliott

E. L. Johnson

J. H. Connelley

Seals & Place

cc: A. S.



Virginia:

At a county Court begun and held  
for Lee County at the Court-house thereof  
on Monday April 17<sup>th</sup> 1893.

J. A. G. Hyatt, A. M. Joins & J. O. Gibson  
viewers appointed to view a  
location for a new road from  
Jonesville to some Station on  
the L. & N. R. R. line, having filed a  
report of a location made by them  
to Leander's ~~Station~~ Station and only  
one route being embraced in  
said report & others being sug-  
gested: It is ordered that said  
report be and is hereby re-  
committed to said viewers  
with instructions to view and  
report upon any other route  
that they may deem practicable  
or that may be suggested



Copy of  
Order

412.50  
15.00  
25.00  
25.00  
7.50  

---

985.00



Virginia:

At a meeting of the Board of Supervisors of Lee County, at the Court House thereof, on Saturday, the 7th day of October, 1893.

Present: H. C. T. Richmond, Chairman, John T. Hughes, J. A. Surgenor and John M. Smith.

The Board having met for the purpose, proceeded to determine by a recorded vote, whether the expenditure asked for by the County Court of this County to construct a new wagon road from the present road on the South side and at the foot of Chestnut ridge to Cranks, now Occonita, a Station on the L. and N. R. R., is deemed proper. And thereupon, A. L. Bidemore appeared and contested the matter of making said expenditure and on a hearing and due consideration, H. C. T. Richmond and J. A. Surgenor voted in favor of the expenditure of \$585.<sup>00</sup>, part of the said sum asked for ~~being the~~ <sup>and</sup> amount sufficient to pay the amount of damages allowed the several land owners along the route of said new road by said Court to be paid when said road is made, and John M. Smith and John T. Hughes voted against said expenditure. Which said action of this Board is ordered to be certified to the said County Court by the clerk of this Board. And the said Bidemore thereupon appealed from the said action of this Board to the County Court.

A copy

Test: - J. R. Gibson Secy. for  
S. V. F. Richmond clerk.



Supervisors  
To } Certified Order

County Court -

Louisville & Decatur Road

41

Oct. 11th 1873.



Jonesville, Va., ..... 1893.

The Board of Supervisors of this County, at its meeting held the 7th day of October 1893, having taken action upon the request of this Court, to make an expenditure for the purpose of making and opening the new road lately established from the foot of Chestnut Ridge to Cranbys new Occoonta, and to pay the damages assessed to the land owners along said road, and whereas one half of the members of said Board present, were in favor of the expenditure of \$585-00, the amount necessary to pay the damages to said land owners, and so recorded their votes. It is therefore ordered that said road be made & opened 16 feet wide as heretofore established, and that said sum of \$585-00 be paid to said land owners in liquidation of the damages heretofore assessed in their favor, by the Commissioners & Confirmed by this Court. And Pennington & Bros & A. B. F. McElroy having bound themselves in writing to make so much of said road as lies north of the top of Poor Valley ridge it is ordered that Jeff Pennington be and is hereby appointed Superintendent of that part of the work and C. C. Blankenship is appointed Superintendent of that part of the work from the top of Poor Valley ridge Southward to Latham Blankenship's and M. C. Miles is appointed superintendent of the residue of said work. And the following Overseers of roads with their lists of hands, are assigned



to the said Jeff Pennington to aid in said work, to wit -  
John Remondy, Jeff Pennington ~~and~~ W. M. Hoe and Ben. Carroll.

And the following Overseers of roads with their  
lists of hands are assigned to said Blankenship to aid  
in said work, to wit, H. B. Graham, Pat Orr, Frank Lanning, Sam  
Peter West, Samuel Belin, George M. Blankenship, Elisha Sprinkle, Joseph D  
Fleenor, Solomon Currier,

And the following Overseers of roads with their lists of  
hands are assigned to said Miles to aid in said work  
to wit Joseph Harris, Samuel Fleenor, Daniel Byington, L. C.  
Booth, James W. Pateet, Ephraim Stewart, W. S. Martin, M. L. Miles  
acting Overseer of the Jonesville Precinct of road.

Each of said Overseers with their hands to work  
not exceeding five days during the year on said road.  
Be it remembered that upon the hearing of this matter  
J. L. Prickman, B. L. Needham, S. Sprinkle, appeared in court  
and resisted the action proposed to be taken, and excepted to  
the action of the Court and tendered their bills of exception  
which were signed and sealed by the Court  
and made a part of the records in the cause.

Enter this  
J. M. Orr.  
Oct 23rd 1893.

Oct 1893

Order.

Read to Court

And on motion of the said Contestants who suggest  
that they mean to appeal herefrom to the Circuit  
Court of this County, it is ordered that the execution  
of the foregoing order be and is hereby suspended  
for twenty days, upon their executing bond  
before the Clerk of this Court in the sum of Fifty  
dollars conditioned according to law,







appeared in open Court <sup>by counsel</sup> and moved  
said Court, to set aside the former  
order made at this term of the  
Court assigning said overseer and  
hands among others to work on said  
new road so called from Jonesville  
va to Cranks now Occovesta

- 1 Because the order being made on the  
motion of the Court and said  
persons assigned to labor on the same  
by the Court, the validity of the order  
and proceeding, establishing said  
road becomes matters of judicial  
enquiry for action & discussion and  
said Court can not try the same  
the order being that of the Court
- 2 Because as they allege and offer to prove  
there is now a road from Jonesville  
va to Occovesta, in daily use and  
has been for years, and that said  
so called new road is only an  
alteration or change in an old or  
already existing road and the change  
is only by said Cognizable by the  
district road board & not by the  
County Court.
- 3 Because the Board of Supervisors of  
Lee County, did not pass on the  
former order of this Court making



allowance and appropriating the sum  
of \$585.<sup>00</sup> by a recorded vote, nor was  
the city for the Commonwealth pres-  
ent, at the meeting making said  
allowance by the order thereof to wit  
"At a meeting" (here insert the order)  
and further because the order does  
not show the names nor amounts  
due to each person but allows  
the same in the aggregate. But the  
Court over ruled said motion <sup>being of opinion that no sufficient grounds were shown in support of the same</sup>  
~~refused to allow said persons to~~  
~~appear & defend the opening of~~  
~~said road, to which action of~~  
the Court the <sup>said persons</sup> ~~objection~~ except, and  
pray that their exceptions be signed  
sealed & made a part of the re-  
cord which is done.

James W Orr. (20)



Bill of exceptions  
No 3.

Cranky Road Case.



To the Hon. J. W. Orr Judge of  
Lee County Court,

Your undersigned  
viewers of Public Road from  
Jonesville to Some station  
on L. & N. R. R.

In obedience to your  
order of            day of            1890,

Respectfully report, that  
we, endeavored to find a route  
leaving Jonesville at the C. & O.  
due North, but found such  
route impracticable we  
then had a route surveyed  
as laid down by the accompany-  
ing plat, which fully explains  
the best and shortest route for  
a highway to the nearest R.  
R. Station on the L & N. R. R.  
from Jonesville, the route  
as laid down will pass  
through the lands of A. L. Bidmore  
Leah & Richmonds Saw Yard prop-  
erty, H. L. Joslyn - H. J. Morgans  
Delake & Swan Hamblins, - Woodward  
Champ S. Hamblins, George W. Russ  
& John Pennington, But we  
suggest, as on leaving Jonesville  
said location passes through



A. L. Tidmore's barn lot, and orchard, and through orchard lands of Cook & Richmond that the road should keep in and near the present Road way leading from Jonesville by Cook's Lanyard, up the branch and on to base of Chestnut Ridge, where it should then be constructed on the route as laid down by the survey hereto attached, commencing at the point marked X on the diagram and thence to Crank station of said R. Road,

By adopting the present ~~Road location~~ to foot of Chestnut Ridge, and there being about one half mile near the Station already constructed, there would only remain of new road to be made about 3 miles, on this route, no yard, garden or orchard will be taken, we think this road a public necessity and should be constructed as soon as possible, the report of Survey



and plat by L. A. Nichols  
and there with filed marked  
"A," which is prayed to be  
considered as part of this  
report, none of the land  
owners on the route, will  
likely claim damage except  
Champer J. Hambley. From  
the said point X, the location  
passes through the lands of Swan  
& Lake Hambley, Angeline Woodward  
Champer J. Hambley, George W. Russell  
and John Remington, and slightly  
over a sharp corner of Wright  
Stickley and through a small  
lot belonging to Ambros Eagle.

And since visiting the above  
we had ~~any~~ other route sur-  
veyed but found it impracticable  
~~however~~ see herewith file his  
report marked "B," and  
see further filed the land  
owners claim damage but  
fail to give us the amounts  
claimed by them and your  
viewers are of opinion  
that the following amounts  
would be a just compensation  
to the various land owners to,



wit: - Susan & Elsie Hambleton \$20.00  
 Ambrose Eagle 30.00  
 Wright Stickley (if claimed) 15.00  
 Angelina Woodward 35.00  
 Champ T. Hamblin 300.00  
 George W. Russell who agrees <sup>to accept this sum</sup> 50.00  
 \$440.00

Pennington claim nothing  
 and propose to construct  
 said road free up to the  
 top of Poorvalley Ridge  
 All of which is respectfully  
 Submitted

Jan 18<sup>th</sup> 1891. J. A. G. Hyatt  
 A. M. Goins

J. A. G. Hyatt \$3.00 paid J. O. Gibson  
 A. M. Goins 5.00

Report of  
 A. M. Goins et al  
 Road Crew

Filed Dec 25<sup>th</sup> 1891  
 J. O. Gibson v.  
 1891 Dec. 25<sup>th</sup> 1891  
 Land Owners et al  
 7. 77

1892 Jan 14.  
 This report is excepted to  
 1<sup>st</sup> Because J. O. Gibson one of the Comrs.  
 at the time of his appointment was not  
 a free holder.  
 2. Because it is a change  
 and alteration in an old  
 and existing road, and the  
 Court has no jurisdiction  
 It belongs to the road  
 board under its special  
 act.  
 3. Because the Comrs.  
 did not apply to and  
 ascertain what damage  
 the land owners claim  
 and put that down in  
 their report.  
 4<sup>th</sup> Because there is no  
 diagram of the acre to  
 be taken by the Comrs.  
 up to the foot of Chest-  
 nut ridge from Jones-  
 ville, but the diagram  
 filed is upon a differ-  
 ent line.

A. L. Dielmers  
 atty for Champ T. Hamblin  
 D. S. & C. Hamblin



To the Hon. J. W. Orr Judge of  
the County Court for Lee County;

Your undersigned road viewers  
whose report filed May 6<sup>th</sup> 1892, was  
by an order of Your Honors Court  
entered at April Term 1893, recom-  
mitted to them said report  
and, by said order we were  
directed to report on other routes  
suggested &c - In obedience to said  
instructions we respectfully report  
that, before making our first  
report, we surveyed and viewed  
two other routes, one leading  
from Jarrsville at the Court  
house due north, but found  
said route impracticable alto-  
gether, the other route, is fully  
laid out as shown by Surveyors  
report herewith filed marked "B",  
which embraces diagram, and  
begins on former diagram at  
5 on top of Chestnut Ridge, thence  
as laid down passing Champ  
Harbuckling dwelling house,  
and after passing through the  
lands of George Russell again  
connects with Nickles Survey



# and the same does not pass through any  
yard, garden nor orchard,

at Station 12, on the South side  
of Doon valley Bridge, thence with  
Nickles Survey to Crank Station.

We omitted reporting this  
route heretofore because we  
considered the Nickles Survey  
the best, nearest and most  
practicable route - A road  
can be made on this route  
on the grade as laid down, with  
less objection by land owners  
than any other route.

The land owners claim  
on account of damage on this  
route would be as follows

Swan & Elabe Hamblin	\$15.00
Ambrose Eagle	25.00
Wright Stickley	15.00
Angeline Woodward	25.00
Chambers Hamblin	nothing
Geo. W. Russell	125.00
Total	\$205.

# We here reiterate all things  
necessary to this report, stated  
in our former report, and  
make it part of this report.

Respectfully submitted  
viewers { J. A. Hyatt  
J. O. Gibson.  
A. M. Gains



J. A. G. Hyatt & others  
Supplement  
Report

Filed May 17<sup>th</sup> 1893.  
J. R. Gilson C.S.



Virginia Lee County Court.

I, \_\_\_\_\_ a Justice  
for the said County do Certify, that  
H. C. Joslyn has this day made  
Oath before me, that he will faith-  
fully and impartially ascertain what  
will be a just Compensation for such  
of the land of the Freehold whereof  
C. T. Hamblen, C. W. Russell, Blake & Swan  
Hamblen, A. Eagle, Angeline Woodward  
Wright Stickley & others, are tenants  
& owners, as is proposed to be  
taken by the County of Lee for  
its purposes, and will truly Certify  
the same.

Given under my hand this 3<sup>d</sup>  
day of July 1893.

C. C. Blankenship J. P.



Lee County  
vs 3 Oath of  
Commissioner  
G. J. Hamblen et al

---

J. P. Lee 25<sup>th</sup> Feb



Virginia Lee County To-wit.

J. Henry C. Foslyn a Justice for the  
said County. do Certify. That C. C.  
Blankenship. E. S. Woodward. ~~C. C.~~  
~~Blankenship~~ and J. N. Bridler. have this  
day made oath before me. that they  
will faithfully and impartially ascertain  
what will be a just Compensation for  
such of the land of the freehold whereof  
C. T. Hamblen. C. W. Russell. Blake &  
Siron Hamblen. A. Eagle. Angeline  
Woodward. Wright Stickley & others  
are tenants & owners. as is proposed  
to be taken by the County of Lee  
for its purposes. and will truly  
Certify the same.

Given under my hand this 3<sup>d</sup>.  
day of July 1893.

H. C. Foslyn J. P.



Lee County  
vs. } Oath of  
Commissioners  
C. J. Hamblen et al

J. P. Telford 75.05



Jonesville Lee Co Va July 4<sup>th</sup> 1893.

To the Hon J. W. Orr

Judge of the County Court.

We C. C. Blankenship sen E. S. Woodward  
J. M. Bridlin and H. C. Foslyn, having  
been appointed by the County Court of  
Lee County, by its order of the 20<sup>th</sup>  
day of June 1893, to ascertain what will  
be a just Compensation for such part  
of the land of the freehold whereof C. T.  
Hambler, G. W. Russell, Blake & Siron  
Hambler, Ambrose Eagle, Angelina  
Woodward and Wright Stickley are Tenant  
and owners, as is proposed to be taken  
by the County of Lee for its purposes,  
do Certify, that on the 3<sup>d</sup> day of July  
1893, the <sup>part</sup> designated in said order. We  
met together on the said part of the land  
the limits of which part were then and  
there shown and described to us as  
follows, 30 feet wide Through a certain  
portion of the land of each person named  
length not known by us. And after being  
first duly sworn, upon a view of the



port aforesaid, and upon such evidence  
as was before us. We are of opinion  
and do ascertain, That for the said part  
and for damages to the residue of the  
tract, beyond the peculiar benefits to be  
derived in respect to such residue from  
the work to be constructed \$1200.<sup>00</sup> will  
be a just Compensation to C. T. Hambleton  
✓ \$412.<sup>50</sup> will be a just Compensation to  
S. W. Russell, \$15.<sup>00</sup> will be a just  
Compensation to Blake & Swoon Hambleton  
\$25.<sup>00</sup> will be a just Compensation to  
Amrose Eagle, \$25.<sup>00</sup> will be a just  
Compensation to Angeline Woodward  
and That \$7.<sup>50</sup> will be a just Compensation  
to Wright Stickley. We also recommend  
the adoption of the route known as  
the Elliott Survey, Should your Honor  
Conclude to order the building of the road,  
and recommend the following Changes,  
Where the road leaves the main road  
in front of Angeline Woodwards. That the  
new road Commence on the south side  
of main road above a lumber pile



and Crossing The small field of Blake  
& Swon Hamblen a few rods from where  
it enters said field, then Crossing the  
Main road in front of the old Cabin  
where Cornitt Eagle used to live, then  
on to the line as Surveyed. This Change  
would necessitate a small fill or  
a bridge, but would shorten the route  
considerably, and would not touch  
the lands of Ambrose Eagle, and in  
our opinion the amount saved in  
damages would pay for either  
the bridge or fill, We also recommend  
a change a little North west from the  
residence of C. T. Hamblen, and run  
the road through below a bluff at  
the South of where the old Hamblen  
House stands, thereby cutting off a very  
bad hill and saving considerable  
distance and Crossing the Sugar run  
road onto the Survey in a nearly straight  
line. We will here state that on the  
Survey we have adopted as the best  
and most available Mr C. T. Hamblen



asks no damages, and in allowing the change spoken of he shows a spirit of liberality and patriotism. In adopting the Elliott Survey Mr Hamblen asks no damages. So the \$1200.<sup>00</sup> reported will not be taken into consideration, but all the rest reported on on that route and of course must be considered. In regard to the cost of constructing the said road, there was considerable difference in the opinion of the Comrs but we finally have come to the conclusion that the road can be made, road bed 16 feet wide and and cleared and made safe 30 feet, that is a thirty foot road with a 16 foot road bed for the sum of \$2425.<sup>00</sup> and in figuring on the Nickel Survey besides the additional amount of damages, the costs of construction on that route in our opinion would be considerable more than on the Elliott survey besides - we are of the opinion that



the Elliott Survey is the one on which the best road could be made at the least price in money. Hence we recommend the adoption of that route if any is adopted.

Having fully complied with the requirements of your honour's order, we respectfully submit this our report for your consideration.

C. C. Blankenship

J. N. Cridlin  
H. C. Joslyn  
E. S. Woodward

Commissioners

### Bill of Costs.

J. N. Cridlin	2 days	4.00
E. S. Woodward	2 -	4.00
C. C. Blankenship	2 -	4.00
C. C. Blankenship	J. P. Adams 1 bath	25-
H. C. Joslyn	2 days	4.00
H. C. Joslyn	J. P. Adams 3 baths	75-
		<hr/> \$17.00



Jonesville  
to } Commissioners  
Report.  
Crane

C. C. Blankenship

E. S. Woodward

J. M. Bridgman &

H. C. Joslyn

Board

Filed July 4<sup>th</sup> 1893

J. W. Richmond

Clerk



We the undersigned citizens of Lee County  
 Virginia, bind ourselves to pay the sums  
 opposite our names, respectively, for the  
 purpose of constructing a road lately estab-  
 lished from the present road on the South  
 side of Chestnut Ridge to Cranks, near  
 Ocoonita, a Station on the L. & N. Rail Road.  
 Said sums to be expended on that part of  
 said road South of the top of Poor Valley Ridge.  
 It being understood that other citizens have  
 bound themselves to construct that part of  
 said road lying North of the top of said  
 ridge. Given under our hands, Sept 18th 1893.

C. H. Russell	\$10.00	
James G. Brown	10 days	
C. S. Duncan	\$5.00	in work.
J. O. Gibson & Co	\$15.00	
J. A. & Hyatt	(10) days	work
Wes Brown	\$1.00	
James Remington	5 days	in work
B. F. Gause	\$1.00	
L. J. Hyatt	1.00	
W. A. Baker	1.00	



One of the things that  
is the matter ~~is~~ this road  
is to prevent it -

Road Subscription

L & N. R. R. Yag  
for Roads  
\$869.30



We the undersigned Citizens of Lee County Va.  
feeling an interest in the construction of  
the road lately established from the road on  
the South side of Chestnut ridge to Branch,  
<sup>neary Decumita,</sup>  
a Station on the L. & N. Rail Road, hereby  
agree and bind ourselves to make and  
construct so much of said road as extends  
from the top of Poor Valley Ridge southward  
to said Station, given under our hands  
this the 1<sup>st</sup> day of August 1893.

Plumington Bros  
A. B., F. M. & E. Gray



Jeff Pennington & others  
Obligation to build  
Road &c.



To A. W. F. Richmond, Clerk to the Board  
of Supervisors of Lee County, Virginia: -

You are hereby directed to summon  
the members of the Board of Supervisors  
to meet at the Court House of Lee  
County, Va on the 7<sup>th</sup> day of  
October, 1893. This Sept. 26<sup>th</sup> 1893.

Carr Bailey  
S. S. Ingram  
per Wm. G. Orr  
Supervisor



Oct. 26. 93

Mr W. A. <sup>and</sup> <sup>son</sup> <sup>will</sup> <sup>La</sup>

Dear Sir

In reply of your  
Letter to day of the meeting  
of the Board I will say that  
your card signed my name  
to any thing that is a  
Benefit to the county. So  
your card have a call session  
The 7th of october. 1893  
Yours Friend  
S. S. Insgeener



Learn Bailey et al, Supers  
vs A Ball  
elk lev. court

Oct-7<sup>th</sup> / 1893.



To Jefferson Drummond &  
J. H. Orr Judge of the Co. of Ga

Whereas, in the case of said  
of the Court of this county <sup>orders made</sup>  
~~xxx~~ ~~or~~ ~~by~~ ~~the~~ ~~Court~~ ~~on~~ ~~Oct 11th 1889 & Dec 4th 1890~~ ~~appointing~~ ~~viewers~~  
for a new road from the

town of Lawrence to some point  
to ~~with~~ ~~cross~~ ~~on~~ ~~the~~ ~~L & W. R. R.~~  
near C. M. Drummond's residence

There are clerical errors in the  
record of said <sup>case</sup> ~~case~~ ~~and~~ ~~also~~ ~~of~~ ~~fact~~ ~~for~~ ~~which~~  
judgment ~~has~~ ~~been~~ ~~made~~ ~~in~~ ~~the~~ ~~view~~ ~~of~~ ~~the~~ ~~road~~ ~~ought~~ ~~to~~ ~~be~~  
reversed and corrected. The

clerical errors complained of  
are these that the orders ~~of~~ ~~Oct~~ ~~11th~~ ~~1889~~ ~~and~~ ~~Dec~~ ~~4th~~ ~~1890~~  
directing a view of your pro-

posed road does not cite as  
it should cite that the viewers  
thus appointed to view your road  
were resident freeholders  
of this county; the error  
of fact complained of is

this: The ~~that~~ viewers, to wit  
A. M. Goins and J. A. Gibson  
at the time of their appointment  
to view said road were not resi-  
dent freeholders of this county

83447

4 min 946.

6. A. & T. Z. p. 812. 2

8945



as by law they were required to  
be: You will therefore take  
notice that on the 22<sup>nd</sup> day of  
November 1873, the undersigned  
will move the County Court of  
at the Court House of said County  
said County, wherein is pending  
your cause, to correct said clerical  
error and to reverse said judgment  
of July 1873 establishing said road.

Yours respectfully

B. A. Evers,

Attorney General

per Counsel

This Nov. 22<sup>nd</sup> 1873 }



B. F. Linnell et al

vs } Notice to Correct  
Dec. Judgment

J. W. Orr Judge &  
J. H. Pennington et al

Exhibited

Nov. the 22. 1853

By delivering a  
True copy of the  
within notice to  
J. W. Orr. Judge &

C. E. Flanagan. S. C. C.



We the undersigned citizens of Rose  
Hill Majesterial District Lee County  
Virginia, do most urgently & respectfully  
ask the Honorable County Court of Lee  
County to locate & have built from the  
depot at Cranks to Jonesville a good  
County road on a good grade. Cranks  
is the nearest depot established (or likely  
to be established) to the County site, &  
we people of the lower end of the County  
are put at great disadvantage in  
reaching the Court House. This is an  
enterprise in which the people of  
both ends of the County are deeply  
interested, & we sincerely trust your  
Honor will push this matter through.  
The cost is a small matter to the  
people of this great County.

Respectfully,  
Name

Names  
J. A. Hyatt  
L. A. Russell  
H. O. Ballou

Wm. H. Kins  
A. J. Swong



L. M. Carmichael

H. G. Colson

J. G. Newkirk

W. A. Taylor

Geo. W. Turner

Le. B. Johnson

Thos. D. Gibson Jr

C. W. Nash J. P. & P. M.

N. D. Jennings

J. S. Gibson Jr

Samuel Hager

James Porrim

H. S. Gibson Jr

V. S. Thompson

B. H. Brooks

J. H. Gibson

John H. Brickett

E. W. Salton

S. C. Kincaid

H. S. Hoskins

G. B. Cochrane

T. A. Taylor

W. R. Ball

E. L. Hamlin

Ed. Roberts

Peter Marcum

J. O. Gibson

Isaac Thompson

D. H. Russell

Th. S. McElroy

E. L. Burgin

H. B. Graham

W. H. Woodward

W. A. Heary

P. E. Orr

A. B. Hankins

Wm. H. Swong

W. J. Burgar

E. L. Bell

A. B. Cox

Geo. W. Elray

Henry Beasley

J. S. Russell



Do. McElroy  
W. H. Beasley



Palatone of  
lentigin







B. F. Ennis et al

vs } notice to  
correct judgment

J. W. Orr Judge



1	D. S. S.	A. L. O'neillmore
2	Dr. H. Morgan Miles	Charles N. Ely
3	B. S. Miles	Ad. Edwards
4	G. A. Jones	J. H. Carr
5	E. C. Hall	Thos. W. Tibberson
6	B. V. Eagle	John P. Graham Treas.
7	Philip H. H. H.	R. S. Sprinkel
8		W. R. Leoman
9	Lint Stewart	John B. Hygal
10	George Sumner	Geo. E. McGinnis
11	H. J. Ferguson	W. B. Lipps
12	John W. Hines	
13	M. F. Huff + B. H.	
14	P. S. Mearns	
15	A. S. Mearns	
16	C. W. Marshall	
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		



Petition to Supis

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	



1 To The Honorable The Board of Su-  
2 pervisors of Lee County:

3 The undersigned Citizens of Jones-  
4 ville and vicinity respectfully solicit  
5 your Honorable body to aid them  
6 in the opening and repairing of a  
7 good county road from Jones-  
8 ville via Ben Hur to Pennington's  
9 Gap, This being in their judgement  
10 the most practical way for the  
11 Public to and from the railroad.  
12 They moreover believe this to be  
13 the best and cheapest route.

14 Name	Name
15 Wm F. Dryden	L. J. Hyatt
16 Jm M. Morgan	H. C. Goshorn
17 D. C. Sewell	W. S. Brownell
18 France Miles	A. Taley
19 M. H. Crockett	H. O. Ballou,
20 S. A. Henderson	C. P. Brown
21 John T. West	H. Osborne
22 M. D. Bechumrd, Jr	John Henderson
23 Geo. C. Coleman	C. A. Russell
24 Brian Flanagan	O. M. Swood
25 D. S. Spemple	W. M. Lee
26 C. C. <del>Beck</del>	W. S. Martin
27 W. L. <del>Frederick</del>	J. H. Myers
28 C. C. Bell	J. A. Hyatt
29 J. C. Duncan	Alf. Williams
30 A. C. Williams	Frank Davis
31 Wm. Rutherford	H. H. Pridmore
32 M. A. Smith	A. J. <del>Donner</del>
Sam'l Terry.	Lon. <del>Camp</del>



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

*Wm. Moore*  
L. S. Henderson  
Robt L. Huntington  
W. C. Bank  
E. F. Bank  
A. L. Russell  
W. B. Andis  
L. H. Ellison  
W. T. Bonham  
Geo. C. Collins  
Hester Roberts  
W. H. Kautz  
Frederic. Holiday  
E. A. Bowling  
William B. Bolin  
O. L. Terry  
J. H. Edwards  
Thomas S. Cooney  
Joseph Marcum  
J. W. Sparks  
L. L. Hyatt  
S. B. Heyler  
George Geary  
B. J. Wilson  
R. L. Davis  
B. H. Sneed  
J. C. Sneed  
L. M. Wise  
N. Wygal  
R. B. Lambert  
A. E. Rutherford  
Alexander Martin  
S. C. Tiegner  
Richard Warner  
N. P. Graham

*Wm. Moore*  
Alex. Masters  
G. C. Dennis  
H. C. Jackson  
C. B. Haynes  
J. A. Shuttin  
M. R. Ball  
S. C. Cheek  
Lulany Haynes  
O. L. Lee  
Samuel Poter  
William Burk  
Joseph Williams  
Robert. Wilder  
A. P. Seward  
J. Morgan Lewis  
G. M. Lambert  
J. W. Sullivan  
M. B. Garrett  
J. R. Ely  
Henry J. Morgan  
William Lawton  
A. H. Eagle  
Diet Williams  
John. Rutherford  
E. M. Pennington  
B. H. Walker  
P. D. Flanagan  
Willie Flanagan  
James. Williams  
Alexander Martin  
S. C. Tiegner  
Richard Warner  
N. P. Graham



1	D. C. S.	A. L. Ouellette
2	Dr. H. Morgan Miles	Charles N. Ely
3	Ben S. Miles	Ad. Edwards
4	Geo. Jones	J. H. Carr
5	E. C. Hall	Thos. W. Ticeborn
6	Geo. Eagle	John P. Graham Treas.
7	Wm. H. H. H.	R. S. Sprinkel
8		W. R. Loomer
9	Lin. Stewart	John B. Hygal
10	George Sumner	Geo. E. McGinnis
11	H. J. Ferguson	W. B. Lipps
12	John W. Hines	
13	M. F. Huff + B. H.	
14	P. S. Mearns	
15	A. S. Mearns	
16	C. W. Marshall	
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		



Petition to Supis

1	
2	
3	
4	
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
29	
30	
31	
32	



We the undersigned citizens of Lee County Virginia favor the construction and building of a good wagon road from Ocoonita, 7<sup>th</sup> Sta Station on the L & N R.R. to Jamesville the County Seat of said County, Ocoonita being the nearest depot to Jamesville, and as there has been a large amount of "free labor" subscribed to the building of this road, we do earnestly request the Supervisor's of said County to consider the importance of this road,

### Names

J. S. McCormick  
 J. D. Russell  
 James Edwards  
 J. G. Edwards  
 P. W. Williams  
 W. B. Thompson  
 W. J. Tomlinson  
 Thos. Mepheron  
 Jesse Roberts  
 Colab. Herd  
 Wallen Roberts  
 George Davis  
 John Johnson

### Names

Shat Shacker  
 E. A. Anderson  
 Samuel Mepheron  
 John Roberts  
 L. A. Testerman  
 W. E. Testerman  
 J. B. Waller  
 Carter Roberts  
 Laell Roberts  
 A. R. Surges  
 O. P. Livsey  
 Lessee Osburn  
 L. F. T. Carter



# Names

J. R. Ralimete  
 C. B. Hill  
 E. E. Willis  
 G. M. Watson  
 Wm J. Chandler  
 James R. Willis  
 James Anders  
 J. L. Glass  
 G. W. Hedley  
 James Vansant  
 John Hubbard  
 John M. Osburn  
 G. B. Waller  
 W. O. Osburn  
 Will. Meles  
 William more  
 A. J. Lamsan  
 Thos. Lamsan  
 Wm Lamsan  
 W. S. Munsey  
 W. S. Livingston  
 D. C. Westberry  
 David Roberts  
 G. J. Murray  
 T. J. Norton  
 J. H. Liveray

50

51

52

# Names

George mear  
 Phil. Lawton  
 J. C. Lambert  
 E. J. Anderson  
 Wm. Fleener  
 T. J. Johnson  
 W. D. Caustney  
 B. M. Sorenson  
 John H. Bratherford  
 Charles E. Chalk  
 Otis Marcum  
 T. L. Chandler  
 Wm. Bowman  
 Jeff Remington  
 Charles Remington  
 David Remington  
 David Roe  
 Frank M. Elroy  
 David M. Elroy  
 Wm. M. Elroy  
 Huse M. Elroy  
 Lora Roe  
 Bud Orr  
 Pat Orr  
 L. Y. Hamblin



Petition for  
Jousselle T  
O'Connor Reed

---



4<sup>th</sup> Country  
C. C. Country  
Bon Bahin



# The Commonwealth of Virginia:

## To the Sheriff of Lee County, Greeting:

We command you to summon *Wright Stickley, Angeline Woodward, C. T. Hamblen, Geo. W. Russell, Susan Hamblen & Blake Hamblen, Ambros Eagle*

to appear before the Judge of our County Court of Lee County, at the Court-house thereof, on the

*27* day of the *April*

Term next, to answer us of certain

things whereof

~~stands indicted for~~

*why the road should not be established as located through their lands by A. M. Goins, J. A. G. Hyatt & J. O. Gibson viewers appointed to view said route*

And have then there this writ.

WITNESS, J. R. Gibson, Clerk of our said court, at the Court-house, this *27* day of

*April*

, 189*3*, in the *117* th year of the Commonwealth.

NORTON HERALD.

*J. R. Gibson*

, Clerk.



Road to Cranks

vs } Survs

Land Owners

3<sup>rd</sup> Day April 1893.

Executed April the 8. 1893  
by delivering and of fice  
copy of the within in  
to Angelina Woodward  
C. F. Hamilton. George W.  
Russell. Susan Hamblin  
Calab. Hamblin. M. H. H.  
Eagle. & Wright. Stickley

C. F. Flanagan. S. L. C.



# The Commonwealth of Virginia:

To the Sheriff of Lee County, Greeting:

We command you to summon *Swan Hamblen, Lababe Hamblen  
Wright Stickley, Angeline Woodward, Champ P.  
Hamblen, Geo. W. Russell, John Pennington  
& Ambros Eagle*

to appear before the Judge of our County Court of Lee County, at the Court-house thereof, on the

*1<sup>st</sup>* day of the *June* Term next, to answer us of certain

things whereof

~~stands indicted for~~

*why the road should  
not be established lately located through  
their lands by J. A. B. Hyatt, A. M. Gains  
& J. O. Gibson viewers appointed to view  
location of road from Jonesville to Cranks  
Station*

And have then there this writ.

WITNESS, J. R. Gibson, Clerk of our said court, at the Court-house, this *27* day of

*May*

189

*3*

, in the

*117*

th year of the Commonwealth.

*J. R. Gibson*

, Clerk.



Summons  
to } Land Owners.  
Verant & Sons

1<sup>st</sup> June Term 93  
Executed Aug. 1. 1893.  
By delivering and  
affixing of the  
with in notice to  
Swan + Labbe  
Hamblin. Wright  
Strickley. George  
Russell Angeline  
Woodward. Chas.  
T. Hamblin. John  
Kerrington and  
Ambrose. Eagle  
H. E. Flanagan, Secy



# The Commonwealth of Virginia,

To the Sheriff of Lee County Greeting:

We command you to summon

*Isabel & Swan Hamblen*  
*Angeline Woodward, Wright Stickley.*  
*Ambros Eagle & S. Hamblen & Geo. W. Russer*

to appear before the Judge of our County Court of Lee County, at the Court House, on

this *10* day of the *January*,

Term next, to answer us of certain things

whereof *1* stands indicted for *why the road located*

*thru their lands by A. M. Swins. J. A. S.*  
*Hyatt & J. R. Gibson the wheels carrying should*  
And have then there this writ  
*not be established as located*

Witness, John R. Gibson, Clerk of our said Court, at the Court House,

this *17* day of *Dec* 189*1*, in the *11*th year of the Commonwealth.

*J. R. Gibson* CLERK.

A copy teste: \_\_\_\_\_



Order court  
of Sumner  
Land Owners  
Exercised by  
delivering the  
within summe to  
Chambers Hamlin  
Salab & Swan Hamlin  
Angelina Woodward  
Anabos Eagle and  
Right Stickley  
G. W. Russell  
C. E. Flannery  
J. L. P.



# The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*M. L. Miles, L. L. Blankenship*  
*Jeff. Pennington superintendants of the*  
*Janesville & Crank road*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *first* Monday in *January*, 189*4*, to answer a bill in Chancery,

exhibited against

*them*

in our said court by

*Benj. F. Sneed, R. S. Spruill*

*Wm. H. Spruill, S. H. Bolin, James Henderson*  
*John Sneed, M. B. Barnett, M. A. Forester, L. C. Roop*  
*J. M. Bowlin, Silas Baumgardner, James Baumgardner*  
*J. B. Osborn, James Osborn, Isaac Kiplinger, John Newberry*  
*H. B. Graham, Frank Cunningham, Peter West, George M. Blankenship*  
*Eliza F. Spruill, Joseph D. Fleeson, Solomon Spurrier, Joseph Harri-*  
*son, Eliza, Daniel Byington, James H. Dotson, Eliza Stewart*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *6<sup>th</sup>* day of *December* 189*3*, and in the *11<sup>8</sup>* year of

the Commonwealth.

*J. A. G. Hyatt* Clerk.



bond required by the order of injunction  
 the required by the order of injunction  
 in this case has been executed, as required  
 by the injunction therein to restrain M. C.  
 Miles, C. C. Blankenship and Jeff Pennington  
 Superintendants of the Jamesville and Grand  
 head, from removing the plaintiffs and  
 persons named in said order from working on  
 said roads becomes operative, and said  
 defendants are so restrained by the  
 order of the Circuit Court of this State.

1st Jan'y. 1894

Benj. Sneed et al.

vs.

SUBPENA  
IN CHANCERY.

Jeff Pennington et al

J. B. H. Bros + Pindemonp. q.

To 1st Jan'y 1894 Rules,  
Circuit Court.

Executed by delivering  
 office copies of this subna  
 to C. C. Blankenship and  
 Jeff Pennington on the  
 6 day of December  
 1893. and by delivering  
 an office copy thereof  
 to M. C. Miles on the  
 7th day of December  
 1893.

C. E. Flannery. S. L. C.

J. M. P. et al	3000
L. C. Roof	10.000
B. J. Smith	5.000
Jeremiah Doughton	3.000
W. G. Ransom	3.000
Sam. Rowles	1.000
D. C. Sewell	20.000

Came to hand  
Dec 6th 1893

C. E. Flannery. S. L. C.